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A
DISCOURSE
UPON THE
UNION
OF

Scotland and England.

CONTAINING,

- I. A Brief Account of the kind Proposals made to the *Scots* by the *English*, in the Reigns of *Henry VIII.* and *Edward VI.*
- II. A short History of Treatys on that Head since the Union of the Crowns, shewing that the *English* Court have insisted on harder Terms since that time.
- III. An Account of the Grievances of *Scotland* as to Religion, Liberty and Trade, since the Union of the Crowns.
- IV. Proposals for an Union of the Kingdoms, upon the Plan of *Edward VI.* which was much the same agreed to by the *Scots* in the Reign of *James VI.* reserving to both Kingdoms their Constitution in Church and State : where the Objections against this Union are consider'd.
- V. Proposals of a Method for preserving the Union upon the Plan of the Treaty of *Rippon*, agreed to by *K. Charles I.* and both Kingdoms.
- VI. A Brief View of the Original Rights of the Kingdom of *Scotland.*

Humbly submitted to the Parliament of
Scotland, By a Lover of his Country.

*Agendo audendo; res Romana crevit, non his Segnibus
Consiliis qua timidi causa vocant. Liv. lib. 22.*

Printed Anno Dom. 1702.

DISCOURSE

UPON THE

UNION

OF SCOTLAND AND ENGLAND



Printed by James Ballantyne, Edinburgh

The Preface.

THE following Sheets are written, without any View of Self-Interest by the Author; therefore he has discharged his Mind with that Freedom, which he conceives every honest Man ought to do, that treats of an Affair of this Importance. When we talk of an Union, we suppose a preceding Difference; and it will be allowed that the best Way to have Differences removed, is for the Persons aggrieved to be candid and open-hearted in their Account of what occasions'em. This the Author has endeavoured in the ensuing Discourse, on the part of Scotland, and has advanced nothing as to the Pressures which his Country has laboured under so long, for which he hath not quoted his Vouchers, or dare appeal to the general Knowledge of the Nation. This is a

Subject that will not admit of taking any side, therefore he flatters no Party, but freely reprehends what he thinks to have been amiss in either, and can no more approve what Presbyterian Ministers or others acted against the Liberty of their Country in the last Reign, than he can forbear to censure what the Bishops and their Party did to the Prejudice of our Freedom, in those that preceded. If he be longer and more severe upon the Hierarchy, 'tis because they did our Country the most Mischief; and that he is against readmitting the Order of Bishops into Scotland, he conceives that there's no moderate Man, ev'n of that Party, who will blame him: for by the Laws of our Country the Bishops themselves gave up the Jus Divinum of their Order in the Reign of K. Charles II. and the Learnedest of that way in the Kingdom of England, where they have had the ablest Advocates in the World, durst never positively assert the Divine Right of a Bishop, as an Order distinct from that of a Presbyter, tho many
of

of'em have denied it ; and in the Statute of Provisors in the 25th of Edw. III. it is asserted, That the Holy Church of England was founded in the Estate of Prelacy within that Realm by the King and Parliament. So that since the Legislature of both Nations have delivered their Sense, that Prelacy as at present contended for, is only a human Ordinance ; and since the Divines of the Prelatical Way are not agreed among themselves, that it is of any higher Original, the Author cannot be blamed to stand in defence of the Resolve of the Convention of Estates at the Revolution, That Prelates and the Superiority of any Office in the Church above Presbyter, is and has been an insupportable Burden to the Kingdom of Scotland, especially since the Truth of it doth so manifestly appear, by what we have suffered in our Civil Liberty from that Order of Men. And that he is not also for abolishing the Order of Presbyters, because of the Faults of Presbyters, he thinks is sufficiently justified from this,
that

that that Order is confessed to be of Divine Institution by all Christian Churches, who own a regular, ordained, and qualified Ministry to be necessary. Whereas it is not so as to the Office of Prelates, the contrary being asserted by many Learned Romanists, and their Order positively declared against by most, if not all of the Foreign Protestant Churches, in their respective Articles or Confessions of Faith. But so long as that Order is by our Neighbours in England thought necessary for their Constitution, the most rigid Covenanters in Scotland has nothing to say against it; nor are they obliged by any thing in the solemn League, to endeavour its Subversion there, without the Call and Invitation of England, and would never have entred into any such League, had they not been constrained to it in Self-defence, because Laud, and the high Prelatical Party in England, endeavoured to overthrow the Church of Scotland, as is manifest from the History of those Times.

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There remains but one thing more by way of Preface, and that is, the Author foresees a Storm of Choler against the following Sheets, from those who assert a towering Prerogative in the Prince, without any regard to the Liberty of the People; and had not these Mens Weapons been blunted by the Revolution, which is also the Basis of the present Government, he knows he should have passed his Time but very sorrily. But to obviate their Cavils once for all, he declares that nothing advanced in the following Discourse, is intended or meant against the present Constitution: he thinks himself obliged in Conscience, as much as any Man, to submit to the Powers that be; but at the same time conceives himself to have the Right of all other Subjects, which is humbly to offer his Opinion, as to those Powers, which are not yet in being. And since it must be owned, that we have neither yet an Union with England, nor have we agreed upon the next Successor, or Limitations for one; he hopes that the antient
Con-

Constitution of his Country, justified by Acts of Parliament, may be as safely proposed for a Model, as those of Turkey or France maintained by the Doctrine of Passive-Obedience, and by consequence knows himself safe from all Attacks by Law: but if any Man attempt him otherwise, he is not much solicitous about the Event, since he has a Witness in his own Breast, that he aims at nothing in the following Discourse, but a happy and lasting Union betwixt the two Nations: and it shall be his continual Prayer, that they may with joint Zeal and Affection cordially serve her Majesty, who has been graciously pleased to renew a Treaty for that End, notwithstanding the ill Success of all such Attempts in the Reigns of her Predecessors.

Note, That the Acts of Parliament quoted in the Appendix are the Black Acts, except where it is otherwise mentioned.

A

DISCOURSE
UPON THE
UNION
OF
England and Scotland, &c.

Edinburgh, Oct. 5. 1702.

My Lord,

SINCE you are pleased to demand my Thoughts concerning the Union of the Kingdoms now on foot, I doubt not but you will allow me to speak my Mind freely in this as well as in other Cases; for I look upon it to be a matter of the greatest Concern to the two Nations, and that on both sides there are many things to be considered, before any successful Progress can be made in that desirable Work;

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It particularly concerns us in *Scotland* to act in this matter with the utmost Circumspection ; for by the Union of the Crowns, which was rash and improvident on our Part, we have lost so much of our Freedom, Substance and Reputation, that if we don't take more Care of our Interest in the Union of the Nations, we may not only be irrecoverably lost as a Sovereign and Independent Kingdom, but brought under the Subjection of *England*, without being allowed the Benefit of Subjects.

I don't speak thus to oppose the Design of an Union, or to dissuade from a Treaty on that Head ; for I am fully satisfied, that were the Nations in a Temper fit to engage in the Work, with that Equanimity and Sedateness which the Nature of the thing requires, they might both be made happy by an Union ; and such a Scheme might be agreed upon, as would rectify what is amiss in either of our Constitutions, make us impregnable against Usurpations at home, and secure us against Invasions from abroad.

But pardon me, if I express my Fears, that we have not yet arriv'd to see that happy Moment.

My Reasons for it are, that our Neighbours of *England* proposed much fairer Terms to us before the Union of the Crowns,

Crowns, than ever they have done since; and that from the time of K. *James VI's* Accession to their Throne, to the beginning of the present Reign, there has been a prevalent Party in that Court, who have been for imposing upon us, in relation both to Church and State; and instead of allowing us a share in any thing of their Constitution, which was better than our own, they have been for obliging us to a compliance with that which was worse than our own. So that, except there be a Change of Temper among our Neighbours as to that matter, it must be allow'd that we have no ground to expect any good from a Treaty of Union. But I shall break off this Epistle, and submit it to your Lordship's Judgment, whether I don't make good the several Parts of my Proposition in the following Discourse.

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SECT.

S E C T. I.

That the English proposed very fair Terms to us before the Union of the Crowns.

WE need not go so far back to prove this, as the time of *K. Inas, Edward the Confessor, and William the Conqueror*, in whose Reigns it was enacted, That *Scotsmen* should enjoy the Privileges of Subjects of *England*, because they stood up as one Man against the common Enemies of the Island, as may be seen in *Lambard's Saxon Laws* *. Nor need we to insist upon the Practice of *Edward III.* who granted the People of that part of *Scotland* which he had subdued by his Arms, the same Privileges with those of *England*, as may be seen in *Coke's Reports* †; for we may find Instances to prove, That the *English* were kinder in their Proposals before the Union of the Crowns, than they have been since, in the Reigns of *Henry VIII.* and his Son *Edward VI.*

The former in order to bring the Government of the Island under one Scepter,

* P. 148. † Part 7th. *Calvin's Case*, p. 23.

offered his Daughter *Mary* to our K. *James V.* and to prevent all Difficulty that might happen about the Succession after his Death, he proposed to make K. *James D. of York*, and Lord-Lieutenant or Deputy-Governor of *England* immediately upon the Match, which was to put him actually in possession of the Government, without one Syllable of altering our own Constitution, or subjecting us as a Province to *England*. We may readily imagine that *James V.* was inclinable enough to fall in with the Proposal, which was so honourable and advantageous, that the Greatest Prince in *Europe* would have chearfully embraced it: But the *French* Court and the *Popish* Clergy, who equally dreaded the Effects of such a Conjunction, found means to prevent it, which engaged our Nation against their Will in a War with *England*, and occasioned the Defeat, or rather Surrender of our Arms at *Solan Mosse*, which brought *James V.* to his Grave, he was so apprehensive that his Nobility had conspired against him. *Buch. in Vita Jac. 5. Lesly de Reb. gestis Scot. ib. Drummonds History, ibid.*

The second Instance is that of *Edward VI.* who pursuing his Father's Design of an amicable Union of the two Kingdoms, proposed a Match betwixt himself and

our *Q. Mary*, which had been agreed on in our Parliament in *K. Henry* the VIII's time; but the *French* and *Popish* Faction, to whom Breach of Publick Faith was always a Venial Sin, broke that Agreement, and brought on another War with *England*, which occasioned our shameful but just Defeat at the Battel of *Pinky* or *Musceleburgh*, wherein the *French* and *Popish* Party deservedly suffered most.

Notwithstanding this Great Victory, by which the *English* became possessed of most of the South of *Scotland*, yet that Excellent Prince *K. Edward VI.* and his Sage Council, were so far from designing a Conquest of us, or the overturning of our Constitution, that his Uncle the Duke of *Somerset*, Protector of the Kingdom of *England*, with the Advice of the Privy Council, published a Declaration to the Effect following.

“ **T**HAT tho it would seem most
 “ proper for the *Scots* to sue to Us,
 “ who are superiors in the Field, and Masters of a great part of their Realm; yet
 “ that our charitable Mind and Brotherly
 “ Love might be known, We do by all
 “ means possible provoke and call you to
 “ your own Commodity and Profit, as
 “ the Father does the Son, or the Elder
 “ Bro-

“ Brother the Younger—And invite you
 “ to AMITY AND EQUALITY,
 “ because as We inhabit in the same Island,
 “ there is no People so like one another
 “ in Manners, Customs and Language—
 “ But because some object that we don’t
 “ seek EQUALITY, nor the Marri-
 “ age, but a Conquest, and that we
 “ would not be Friends but Lords, altho
 “ our Proclamation at the last Wars did
 “ enough declare the contrary; yet here
 “ We declare to you and all Christian Peo-
 “ ple, to be the Kings Majesty’s Mind
 “ our Master’s, by our Advice and Coun-
 “ cil, not to conquer but to have in Ami-
 “ ty, not to win by Force, but to concili-
 “ ate by Love, not to spoil and kill, but to
 “ save and keep, not to dissever and di-
 “ vorce, but to join in Marriage from
 “ high to low both the Realms, to make
 “ of one Isle, one Realm, in Love, Ami-
 “ ty, Concord, Peace and Charity—
 “ We offer Love, We offer EQUALITY
 “ and Amity; We overcome in War and
 “ offer Peace; We win Holds and offer no
 “ Conquest; We get in your Land and of-
 “ fer *England*—What can be more of-
 “ fered and more proffered, THAN
 “ INTERCOUSE OF MER-
 “ CHANDIZES and interchange of
 “ Marriages, the abolishing of all such
 “ our

“ our Laws as prohibit the same, or
 “ might be Impediment to the mutual A-
 “ mity ? We have offered not only to leave
 “ the Authority, Name, Title, Right or
 “ Challenge of Conqueror, but to receive
 “ that which is the Shame of Men over-
 “ come, to leave the Name of the Nation,
 “ and the Glory of any Victory (if any we
 “ have had, or should have of you) and
 “ to take the indifferent old Name of *Bri-*
 “ *tains* again ; because nothing should be
 “ left on our part to be offered, nothing
 “ on your part unrefused, whereby ye
 “ might be inexcusable. ——— What Face
 “ hath this of Conquest ? We intend not
 “ to disherit your Queen, but to make her
 “ Heirs Inheritors also of *England*. WE
 “ SEEK NOT TO TAKE FROM
 “ YOU, YOUR LAWS NOR
 “ CUSTOMS, but we seek to re-
 “ dress your Oppression, which of di-
 “ vers ye do sustain. In the Realm of
 “ *England*, divers Laws and Customs be
 “ according to the antient usage thereof,
 “ and likewise *France*, *Normandy* and
 “ *Gascoigne* have sundry kind of Orders.
 “ Have all the Realms and Dominions
 “ that the Emperor now hath, one Cus-
 “ tom and one Sort of Laws ? These vain
 “ Fears and Fantasies of Expulsion of your
 “ Nation, of changing of the Laws, of
 “ mak-

“ making a Conquest, be driven into your
 “ Heads by those, who indeed had rather
 “ you were all conquered, spoiled and slain,
 “ than they would lose any point of their
 “ Will, of their Desire of Rule, and of their
 “ Estimation, which they know in Quiet-
 “ ness would be seen what it were, as it
 “ were in a Calm Water———If we
 “ two being made one by Amity, be most
 “ able to defend us against all Nations;
 “ and having the Sea for the Wall, mutu-
 “ al Love for Garison, and God for De-
 “ fence, should make so noble and well-
 “ agreeing Monarchy, that neither in
 “ Peace we may be ashamed, nor in War
 “ afraid of any Worldly or Foreign Pow-
 “ er: Why should not you be as desirous
 “ of the same, and have as much Cause to
 “ rejoyce at it as We?—And for a more
 “ sure Proof and plainer Token of the
 “ good Mind and Will which We bear
 “ unto you, that which never yet was
 “ granted to *Scotland* in any League, Truce
 “ or Peace betwixt *England* and *Scotland*;
 “ because ye shall have Proof of the be-
 “ ginning of Love and Amity of both the
 “ Realms, the King’s Highness considering
 “ the Multitude of them which are
 “ come to his Majesty’s Devotion, and of
 “ them that be Well-willers and Aiders of
 “ this Godly Enterprize, hath by our Ad-
 “ vice

“ vice and Counſel granted, and by theſe
 “ Preſents doth grant, That from hence-
 “ forth all manner of Merchants and o-
 “ ther *Scotſmen*, who will enter their
 “ Names with one of the Wardens of the
 “ Marches, and there profeſs to take part
 “ with us, in this before named godly pur-
 “ poſe, may lawfully, and without any
 “ Trouble and Vexation, enter into any
 “ Port, Creek or Haven of *England*, and
 “ there uſe their Traffick of Merchandize,
 “ buy and ſell, bring in the Commodities
 “ of *Scotland*, and take and carry forth
 “ the Commodities of *England*, as liberal-
 “ ly and as freely, and with the ſame and
 “ none other Cuſtoms therefore, than *Eng-
 “ liſhmen*, and the King’s Subjects do at
 “ this preſent. *Holinſhed, Hiſtory of Eng-
 land*, Vol. III. p. 998.

It muſt be owned that this was a very
 generous Propoſal from a Conqueror; but
 the *Popiſh* and *French* Faction, who have
 ever been Enemies to the Union of the two
 Nations, made it ineffectual, and brought
 us under a Yoke of *French* Tyranny, which
 did ſo much incenſe the People of *Scotland*,
 that when they ſet about the Reformation,
 which they did to the purpoſe, ſome few
 Years after, they pulled up the Hierarchy
 by the very Foundations, and reduced the
 Ec.

Ecclesiasticks, who had then one third of the Kingdom in their possession, to their ancient Dependance upon the State, as to their Maintenance and Benefices.

These Instances make it plain, that the Proposals of *England* for uniting the Nations were very Generous and Kind before the Union of the Crowns.

S E C T. II.

That their Proposals since the Union of the Crowns have not been so kind, prov'd by the following History of the Treatys of Union since.

IN March 1604. K. James VI. mov'd the Parliament of *England* for an Union betwixt the Two Kingdoms, that as they were made one in the Head, so among themselves they might be inseparably conjoin'd, and all Memory of by-past Divisions extinguish'd. The Motion took well at first, and seem'd to be generally desired by both Nations. The Parliaments of both appointed their Commissioners, the *English* 44 in number, and the *Scots* 30 : Of the *English* any 8 of the Lords

Lords, and any 20 of the Commons were impowered to treat with the Scots; and of them any 20 were impowered to treat with the English Commissioners.

The Acts of Parliament empowering them to meet and treat, were as follows.

The Scots ACT.

FOrasmickle as it hath pleas'd his most Excellent Majestie, acknowledging the unspeakable Favour, wherewith the Divine Providence of the most Heigh hath blessed him by the oft wisbed, but hardly expected Conjunction of twa sa auntient and lang discordant Kingdomes, maist earnestlie to desire an establisshed continuance of the samin; that as by lawful Succession they are in the Head, so in the Body and every Member thereof they may be sa inseperablie conjoyned, as all after coming Ages should find the Sweetnesse of the Peace, Wealth and Felicitie; whilk, by the persfite Accomplishment thereof, may continue to the Warlds end. And his most Excellent Majestie, although absent in Person (from his most auntient and native Kingdom) yet present by his Princelie Power, Fatherly Care and prudent Commandements, daily directed to his most humble and obedient Subjects of the Kingdom, having laid before
them

them the great Blessing that ane constant and
 friendlie Conjunction with their neighbour
 Countrie of England, now united by Alled-
 geance and loyal Subjection in his Majesties
 most Royal Person, wald bring to them and their
 Posteritie, and therewith out of his maist
 loving and accustomed Princely regard, to
 their inestimable Joy and Comfort, vouch-
 asing to assure them of his sincere disposition
 and clear meaning, no way by the foresaid
 Union, to prejudg or hurt the fundamental
 Laws, auntient Priviledges, Offices and Li-
 berties of this Kingdom. Whereby not onely
 the Princely Authority of his most Royal
 Discent, hath bene these many Ages maintein-
 ed, but also his Peoples Securitie of their
 Lands and Livings, Rights, Liberties, Offi-
 ces and Dignities preserved; whilks if they
 should be innovated, sik Confusion should en-
 sew, as it could no more be a free Monarchie;
 and his Majesties gracious Intention in estab-
 lishing the foresaid Union, is only to alter and
 reforme sik indifferent and temporal Statutes,
 particular Customes, or special Ordinaunces,
 whereby the bygane Remembrance may be ex-
 tinguished, and the future Growth prevented
 of many particular Debates and unhappie Ac-
 cidents, whilk might hereafter disturbe that
 constant Love and persite Amitie, betwixt
 both Nations, so tenderlie wished by his maist
 Excellent Majestie and sik stedfast and asald
 grounds

grounds of uniforme Societie, surrogat in their place: that as the present Age is ravished in admiration with ane so fortunat beginning, sa that the Posteritie may rejoice in the fruition of sik ane effectual Union of twa sa famous and auncient Kingdomes, miraculassly accomplished in the Blude and Person of sa rare ane Monarch.

Therefore, and for the mair perfite accomplishing of the Wark foresaid, the Estaites Spiritual and Temporal of this present Parliament, assembled be vertue of his Majesties Commission under the Great Seal of Scotland, declares, statutes and ordaines, that the Persons following, they are to say, John Earle of Montrose, Lord Chawcellar of Scotland, Frances E. of Errol, Heigh Constable of Scotland, Geo. E. Mairshell, Great Mairshall of Scotland, James E. of Glencarne, Alexander E. of Linlithgow, John ABp of Glasgou, David Bp of Rosse, Geo. Bp of Caithness, Walter Pryor of Blantyre, Patrick Ld Glames, Alexander Ld Elphinstoun, Alexander Ld Fyvie, President of the Council of Scotland, Robert Ld Roxburgh, James Ld Abercorne, James Ld Balmirinoch principal Secretar of Scotland, David Ld Scoone, Sir James Scrymgeour of Dudop Kt. Sir John Cockburne of Ormeston Kt. Sir John Home of Coldonknows Kt. Sir David Carnagie of Kihard Kt.

Sir

*Sir Robert Melvill elder of Murdocarnie
 Kt. Sir Tho. Hamilton of Binnie Kt.
 Sir John Leirmonth of Balcomie Kt.
 Sir Alex. Straton of Lawreston Kt. Sir John
 Skene of Currihill Kt. Maister John Sharpe
 of Houston Lawer, Maister Tho. Craig
 Lawer, Hen. Neisbit, Geo. Bruce, Alex.
 Rutherford, Maister Alex. Wedderburn
 Merchants; or any 20 of them, shall by ver-
 tue of this present Act, have full Power,
 Commission, Libertie and Authoritie, to as-
 semble and convene themselves, after the end-
 ing of this present Session of this present
 Parliament, and before the next Session there-
 of, at sik time and in sik place as it shall
 please his Majestie to appoint, with certain
 selected Commissioners, nominat and authori-
 zed by the Parliament of England, according
 to the tenour of their Commission in that be-
 half, to confer, treat and consult upon ane
 persite Union of the Realmes of Scotland and
 England, and concerning sik other Matters,
 Causes and Things whatsoever, tending to his
 Majesties Honour and Contentment, and to the
 Weal and Tranquillitie of baith the Kingdoms,
 during his Majesties Life (whilk the ever-living
 God lang continew) and during his Royal Po-
 steritie in blessed tranquillitie to the Warlds
 end, as upon mature deliberation, the grentest
 part of the saids Commissioners assembled as is
 foresaid, with the Commissioners authorized
 by*

by the Parliament of England, shall in their Wisdomes think maist expedient and necessar; not derogating any wyse to any fundamentall Lawes, auncient Priueliges, Offices, Rights, Dignities and Liberties of this Kingdom, as is before said: And that the Commissioners of baith the saids Realmes, according to the tennour of their Commission in that behalfe, set down their Proceedings in 3 several Wrytings, every one of them to be subscribed and sealed by them; to the end that one of them may be in all humilitie presented to his Majestie, the 2d to be presented to the consideration of the next Session of Parliament for the Realm of Scotland; and the third to be offered to the consideration of the next Session of Parliament, for the Realme of England; that thereafter sik order may be taken therein, as baith the saids Parliaments shall think expedient for his Majesties satisfaction, and benefite of baith the saids Kingdomes.

The English Act for the Union was thus:

W Hereas his most Excellent Majesty hath been pleas'd out of his great Wisdom and Judgment, not only to represent unto us by his own prudent and princely Speech on the 1st day of this Parliament, how much he desired (in regard of his inward and gracious Affection to both the famous and antient Realms

Realms of England and Scotland, now united in Allegiance and loyal Subjection in his Royal Person, to his Majesty and his Posterity for ever) that by a speedy, mature and sound Deliberation, such a further Union might follow, as should make perfect that mutual Love and Uniformity of Manners and Customs which Almighty God in his Providence, for the Strength and Safety of both Realms, hath already so far begun in the apparent Sight of all the World: But also hath vouchsafed to express many Ways, how far it is and ever shall be from his Royal and Sincere Care and Affection to the Subjects of England, to alter or innovate the fundamental and antient Laws, Privileges and good Customs of this Kingdom, whereby not only his Regal Authority, but the Peoples Security of Lands, Livings and Privileges (both in general and particular) are preserved and maintained; and by the abolishing or Alteration of the which, it's impossible, but that present Confusion will fall upon the whole State and Frame of this Kingdom.

Forasmuch as his Majesty's humble, faithful and loving Subjects, have not only conceived the Weight of his Majesty's Reasons, but apprehend to their unspeakable Joy and Comfort, his plain, clear and gracious Intention, to seek no other Changes or Alteration; but of such particular, temporary or indifferent

C manner

manner of Statutes and Customs, as may both prevent and extinguish all and every future Questions or unhappy Accidents, by which the perfect and constant Love, and Friendship, and Quietness, between the Subjects of both the Realms aforesaid, may be compleated and confirmed; and also perform and accomplish that real and effectual Union already inherent in his Majesty's Royal Blood and Person, and now desired by his Majesty to be performed, and brought to an end for the Weal of both Kingdoms, by this course following.

Be it therefore enacted by the King's most Excellent Majesty, by and with the Assent and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by Authority of the same, That Tho. Ld Ellesmere, Ld Chancellor of England, Tho. E. of Dorset, Ld Treasurer of England, Charles E. of Nottingham, Ld High Admiral of England, Henry E. of Southampton, William E. of Pembroke, Henry E. of Northampton, Richard Bishop of London, Toby Bishop of Duresme, Anthony Bishop of St. Davids, Robert Ld Cecil Principal Secretary to his Majesty, Edward Lord Zouch, Lord President of Wales, William Ld Monteagle, Ralph Ld Eure, Edmund Ld Sheffield Ld President of the Council in the North, Lords of the Higher House

House of this present Parliament; and Tho. Ld Clinton, Robert Ld Buckhurst, Sir Francis Hastings Kt. Sir John Stanhope Kt. Vice-Chamberlain to the King's Majesty, Sir John Herbert Kt. 2d Secretary to his Majesty, Sir George Carew Kt. Vice-Chamberlain to the Queen's Majesty, Sir Tho. Strickland Kt. Sir Edward Stafford Kt. Sir Hen. Nevil of Berkshire Kt. Sir Richard Bulkley Kt. Sir Hen. Billingsley Kt. Sir Daniel Dun Kt. Dean of the Arches, Sir Edward Hobby Kt. Sir John Savile Kt. Sir Robert Wroth Kt. Sir Tho. Chaloner Kt. Sir Robert Maunsel Kt. Sir Tho. Ridgeway Kt. Sir Tho. Holcroft Kt. Sir Tho. Hesketh Kt. his Majesty's Attorney of the Court of Wards and Liveries, Sir Francis Bacon Kt. Sir Lawrence Tanfield Kt. Serjeant at Law, Sir Henry Hubbard Kt. Serjeant at Law, Sir John Bennet Kt. Doctor of the Laws, Sir Henry Withrington, Sir Ralph Gray and Sir Tho. Lake Kts. Robert Askewith, Tho. James and Henry Chapman Merchants, Kts. Citizens and Burgeses of the House of Commons in this Parliament (Commissioners selected and nominated by Authority of this present Parliament) or any eight or more of the said Lords of the said Higher House, and any 20 or more of the said Kts. Citizens and Burgeses of the said House of Commons,

shall by force of this Act, from and after the end of this present Session of Parliament, have full Power, Liberty, Commission and Authority, at any time or times before the next Session of this Parliament, to assemble and meet, and thereupon to treat and consult with certain selected Commissioners to be nominated and authorized by Authority of the Parliament of the Realm of Scotland, according to the Tenor or Purport of their Authority or Commission in that behalf, of and concerning such an Union of the said Realms of England and Scotland, and of and concerning such other Matters, Causes and Things whatsoever, as upon mature Deliberation and Consideration, the greatest part of the said Lords of the Higher House, which shall be so assembled as is aforesaid, and the greatest part of the said Kts. Citizens and Burgeses of the said House of Commons, which also shall be so assembled as is aforesaid, and the Commissioners to be nominated and authorized as is aforesaid by the Parliament of the Realm of Scotland, according to the Tenour and Purport of their Authority or Commission in that behalf, shall in their Wisdoms think and deem convenient and necessary for the Honour of his Majesty, and the Weal and Common Good of both the said Realms during his Majesty's Life (which Almighty God long preserve) and under all his Royal Progeny and Posterity for ever.

Which

Which Commissioners of both the said Realms, shall according to the Tenour or Purport of their said Authorities or Commissions in that behalf, reduce their Doings and Proceedings therein into Writings or Instruments Tripartite, every part to be subscribed and sealed by them. To the end, that one part thereof may in all humbleness be presented to his Most Excellent Majesty, the 2d part thereof to be offered to the consideration of the next Session of this Parliament for the Realm of England, and the 3d to be offered to the consideration of the next Parliament for the Realm of Scotland, that thereupon such further Proceedings may be had, as by both the said Parliaments shall be thought fit and necessary for the Weal and common Good of both the said Realms. 1^o. Jac. 1. cap. 2.

They met accordingly at Westminster, and agreed on the following Articles.

Articles of Union.

IT is agreed by the Commissioners of England and Scotland, to be mutually proponed to the Parliament of both Realms at the next Sessions, that all Hostile Laws made and conceived expressly,

Spotswood's
History, p.
481.

“ either by *England* against *Scotland*, or
 “ *Scotland* against *England*, shall in the
 “ next Sessions be abrogated and utterly
 “ extinguished.

“ It is also agreed, that all Laws, Cus-
 “ toms and Treaties of the Border be-
 “ twixt *England* and *Scotland*, shall be de-
 “ clared by a general Act to be abrogated
 “ and abolished, and that the Subjects on
 “ either part shall be governed by the
 “ Laws and Statutes of the Kingdoms
 “ wherethey dwell, and the Name of the
 “ Borders extinguished.

“ And because by abolishing the Bor-
 “ der-Laws and Customs it may be doubt-
 “ ed, that the Executions should cease upon
 “ those Sentences that have heretofore been
 “ given by the opposite Officers of those
 “ Borders, upon Wrongs committed be-
 “ fore the Death of the Late Queen of
 “ happy Memory ; it is thought fit, that
 “ in case the Commissioners or Officers to
 “ be appointed by his Majesty before the
 “ time of the next Sessions of Parliament,
 “ shall not procure sufficient Redress of
 “ such filed Bills and Sentences, that then
 “ the said Parliaments may be moved to
 “ take such Order, as to their Wisdoms
 “ shall seem convenient, for Satisfaction
 “ of that which hath been decerned by
 “ some Officers, as also how Disorders
 “ and

“ and Insolencies may be hereafter repres-
 “ sed, and the Country which was lately
 “ of the Borders kept in Peace and Quiet-
 “ ness in time to come. As likewise to
 “ prescribe some Orders, how the Pursuits
 “ of former Wrongs, preceding the Death
 “ of the Late Queen, and since the last
 “ Treaty of the Borders, in the Years
 “ 1596 and 1597, which have never as
 “ yet been moved, may be continued and
 “ prosecuted to a definitive Sentence.

“ And forasmuch as the next Degree to
 “ the Abolition of all Memory of Hosti-
 “ lity, is the participation of mutual Com-
 “ modities and Commerce; it is agreed,
 “ I. Concerning Importation of Mer-
 “ chandize into either Realm from Fo-
 “ reign Parts, That whereas certain Com-
 “ modities are wholly prohibited by the
 “ several Laws of both Realms, to be
 “ brought into either of them by the Na-
 “ tives themselves, or by any other; The
 “ said Prohibitions shall now be made mu-
 “ tual to both, and neither an *English*-man
 “ bring into *Scotland*, or a *Scots*-man into
 “ *England*, any of these prohibited Wares
 “ and Commodities: Nevertheless if the
 “ said Commodities be made in *Scotland*,
 “ it shall be lawful to bring them out of
 “ *Scotland* into *England*, and so reciprocal-
 “ ly of the Commodities made in *England*,
 “ and carried to *Scotland*. “ Where-

“ Whereas a Doubt hath been conceiv’d against the equal Communication
 “ of Trade betwixt *English* and *Scots*
 “ Subjects in matter of Importation,
 “ grounded upon some Inequality of Privileges which the *Scots* are reported to
 “ have in foreign Parts, and namely in
 “ *France*, above the *English*, whereby the
 “ *English* might be prejudg’d; and that
 “ after a very deliberate consideration had
 “ of the said supposed Inequalities, both
 “ private and publick Examination of divers Merchants of either side touching
 “ all Liberties, Immunities, Privileges,
 “ Imposts and Payments on the part of
 “ the *English* and on the part of the *Scots*,
 “ either at *Bordeaux* for their Trade of
 “ Wines, or in *Normandy* or any other
 “ parts of *France* for other Commodities,
 “ it appear’d that in the Trade of *Bordeaux*
 “ there was and is so little difference
 “ in any advantage of Privileges or Immunities, or in the Imposts and Payments,
 “ all being reckon’d and well weigh’d on
 “ either side, as it could not justly hinder
 “ the Communication of Trade. In the
 “ Trade of *Normandy* likewise, or any other
 “ Parts of *France*, the advantage that
 “ the *Scots* Subjects by their Privilege is
 “ acknowledged to have is such, as without
 “ much difficulty may be reconcil’d
 “ and

“ and reduc’d to an equality with the
 “ *English*, by such means as is hereafter
 “ declared: It is agreed that *Scots-men*
 “ shall be free for transporting of Wine
 “ from *Bordeaux* into *England*, paying
 “ the same Customs and Dutys that *Eng-*
 “ *lish-men* do pay, and the *English-men*
 “ shall be likewise free for transporting of
 “ Wine and other Commodities from
 “ *Bordeaux* into *Scotland*, paying the
 “ same Customs and Duties that *Scots-men*
 “ pay there.

“ And likewise for clearing and resolv-
 “ ing the Doubts touching the advantage
 “ the *Scots* are suppos’d to have above the
 “ *English* in buying and transporting the
 “ Commodities of *Normandy*, and of o-
 “ ther parts of the Kingdom of *France*
 “ (excepting the buying of Wine in *Bour-*
 “ *deaux*, which is already determin’d) it
 “ is agreed that there shall be sent some
 “ meet and discreet Persons into *France*,
 “ two for either side, to take perfect no-
 “ tice of any such advantage as either the
 “ *English* have above the *Scots*, or the
 “ *Scots* above the *English*, in buying or
 “ transporting of any Commodities of
 “ *Normandy*, or any parts of *France* (ex-
 “ cepting the Wine of *Bordeaux*) as the
 “ said Persons shall find the advantage to
 “ be; so for making the Trade equal, the
 “ Custom

“ Custom shall be advanc’d to the King in
 “ *England* and *Scotland*. And for part of
 “ those that have the advantage, and ac-
 “ cording to the proportion of the said
 “ advantage, the advancement of the Cu-
 “ stom to continue no longer than the
 “ Privilege having such advantage shall
 “ continue; and that generally for all o-
 “ ther Trade from any Parts, the *English*
 “ and *Scots* Subjects, each in others Coun-
 “ try, shall have liberty of Importation
 “ as freely as any of the native Subjects
 “ themselves, having special Privilege.

“ Next concerning Exportation, It is a-
 “ greed that all such Goods as are prohibited
 “ and forbidden to *English*-men themselves,
 “ to be transported out of *England* to any fo-
 “ reign Part, the same shall be unlawful for
 “ any *Scotish* men or any other to transport
 “ to any foreign Nation beyond Sea, un-
 “ der the same Penalties and Forfeitures
 “ the *English* are subject to, and reciprocal-
 “ ly that forth of *Scotland* no *English*-men
 “ shall transport to any foreign Part the
 “ Goods or Commodities that are prohi-
 “ bited in *Scotland* to *Scots*-men themselves.
 “ Nevertheless such Goods and Commo-
 “ dities and Merchandizes as are licens’d
 “ to *English*-men to transport out of *Eng-*
 “ *land* to any foreign Part, the same may
 “ be likewise transported by *Scots*-men
 “ thither,

" thither, they certifying their going into
 " foreign Parts, and taking a Cocquet ac-
 " cordingly, and paying the ordinary
 " Custom that *English*-men do pay them-
 " selves at the exporting of such Wares.
 " The like Liberty to be for *English*-men in
 " *Scotland*.

" As for the native Commodities which
 " either of the Countries do yield, and
 " may serve for the use and benefit of the
 " other, It is agreed that mutually there
 " may be transported forth of *England* to
 " *Scotland*, and forth of *Scotland* to *Eng-*
 " *land*, all such Wares as are neither of the
 " Growth or Handy-work of either of the
 " said Realms, without payment of any
 " Impost, Custom or Exaction, and as
 " freely in all respects as any Wares may
 " be transported either in *England* from
 " part to part, or in *Scotland* from part to
 " part; excepting such particular sorts of
 " Goods and Merchandizes as are hereaf-
 " ter mentioned, being restrained for the
 " proper and inward use of each Country.
 " And for that purpose it is declared,
 " That both in the Communication of be-
 " nefit and participation of the native
 " Commodities of the one Country with
 " the other, there shall be specially re-
 " serv'd and excepted the sorts hereafter
 " specified, that is to say, Wool, Sheep,
 " Sheep-

“ Sheepfell, Cattell, Leather, Hides, and
 “ Linnen-yarn, which are specially re-
 “ strain’d within each Country, not to be
 “ transported from the one to the other;
 “ excepting also and reserving to the Scots-
 “ men their Trade of Fishing within the
 “ *Loches, Firthes* and *Bayes*, within Land,
 “ and in the Seas within 14 Miles of the
 “ Coasts of the Realm of *Scotland*, where
 “ neither *English*-men nor any Stran-
 “ gers have us’d to fish; and so recipro-
 “ cally in the point of Fishing in behalf
 “ of *England*. All which Exceptions and
 “ Restrictions are not to be understood or
 “ mention’d in any sort for a Mark or Note
 “ of Separation, but only as Matters of
 “ Policy and Conveniency for the several
 “ Estates of each Country.

“ Furthermore it is agreed, That all fo-
 “ reign Wares to be transported forth of
 “ *Scotland* to *England*, or out of *England*
 “ to *Scotland*, by any of the King’s Sub-
 “ jects of either Kingdoms, having at their
 “ 1st Entry once paid Custom in either of
 “ the Kingdoms, shall not pay outward
 “ Customs therein afterwards, save only
 “ inward Custom at that Port whereunto
 “ they shall be transported: But the
 “ Owner of the Goods, or the Factor or
 “ Master of the Ship, shall give Bond not
 “ to transport the same into any foreign
 “ Part. “ It

" It is also agreed, That *Scots-men* shall
 " not be debarred from being Associates
 " unto any *English* Company of Mer-
 " chants, as Merchant-Venturers or others,
 " upon such Conditions as any *English-man*
 " may be admitted; and so reciprocally
 " for *English-men* in *Scotland*.

" It is nevertheless agreed by mutual
 " Consent, and so to be understood, that
 " the mutual Liberty aforesaid of Expor-
 " tation and Trade in each part from the
 " one to the other, shall serve for the in-
 " ward use only of either Realm; and
 " Order taken for restraining and prohibit-
 " ing the Transportation of the said Com-
 " modities into foreign Parts, and for due
 " Punishment of those that shall trans-
 " gress in that behalf.

" And for the better Assurance and Cau-
 " tion therein, It is agreed that every Mer-
 " chant so offending shall forfeit his Goods;
 " the Ships wherein the said Goods shall be
 " transported, confiscated; the Customs,
 " Searchers, and other Officers of the
 " Custom whatever, in case of consent
 " or knowledg on their part, to lose their
 " Offices and Goods, and their Bodies to
 " be imprison'd at his Majesty's pleasure.
 " Of which Escheats and Forfeitures 2
 " Parts shall appertain to his Majesty, if
 " the Customs be unfarm'd, and the 3^d to
 " the

“ the Informer : and if the Customs be
 “ farm’d, $\frac{1}{3}$ of the Forfeiture shall belong
 “ to his Majesty, a 3^d to the Farmer, and
 “ the other 3^d to the Informer. The
 “ Trial of the Offence to be summar in
 “ either Country in the Exchequer Cham-
 “ ber by Writ, sufficient Witnesses, or
 “ Oath of Party, or before the Justice by
 “ Jury or Assize ; and his Majesty’s Offi-
 “ cers in either Country to convene with
 “ the Complainers that have interest in the
 “ pursuit.

“ As also for the more Surety that there
 “ shall be no Transportation of such
 “ Goods, It is agreed that at the Shipping
 “ of all such native Commodities there be
 “ taken by the Customer of the Port where
 “ the Goods or Wares are embark’d, a
 “ Bond or Obligation subscrib’d by the
 “ Owner of the said Goods, and Master
 “ of the Ship ; by the Owner, if he be
 “ present ; and in case of his Absence, by
 “ the Master of the Ship and Factor, or
 “ Party that ladeth the same : Which
 “ Bond shall contain a Sum of Money an-
 “ swerable to the Value of the Goods,
 “ with condition of relieving the Party
 “ oblig’d, and discharging him of the said
 “ Bond in case return be made of a due Cer-
 “ tificate to the Custom where the Goods
 “ were laden, from any part within Eng-
 “ land

“ *land* or *Scotland*. The Certificate to be
 “ subscribed and sealed by the Officers of
 “ the Customs of the Port where the said
 “ Goods shall arrive and be unladen; or if
 “ there be no such Officers there, by the
 “ chief Magistrate and Town Clerk of
 “ that Harbour or Town, under their
 “ Hand and Seal.

“ It is farther agreed touching the indif-
 “ ferent Freight of Commodities either
 “ in *English* or *Scots* Bottoms, that *English*-
 “ men and *Scots*-men freight and lade their
 “ Goods each in others Ships and Bottoms
 “ indifferently, paying only *English* and
 “ *Scots* Custom, notwithstanding any
 “ contrary Laws or Prohibitions. And
 “ that a Proposition be made to the Par-
 “ liament of *England* for establishing some
 “ good Orders for upholding and maintain-
 “ ing the great Fishing of *England*; as
 “ likewise that a Proposition be made to
 “ the Parliament of *Scotland* for making
 “ their Shipping more proportionable in
 “ Burthen to the Shipping of *England*, the
 “ better to serve for Equality of Trade,
 “ and a common Defence for the whole
 “ Isle.

“ And because it's requisite that the
 “ mutual Communication aforesaid be
 “ not only extended to matter of Com-
 “ merce, but to all other Benefits and
 “ Privi-

“ Privileges of natural born Subjects ; It
 “ is agreed that an Act be proponed to be
 “ pass’d in manner following : That all the
 “ Subjects of both Realms born since the
 “ Decease of the late Queen, and that shall
 “ be born hereafter under the Obedience of
 “ his Majesty and of his Royal Progeny,
 “ are by the common Laws of both
 “ Realms, and shall be for ever enabled
 “ to obtain, succeed, inherit and possess
 “ all Goods, Lands and Chattles, Honours,
 “ Dignities, Offices, Liberties, Privileges
 “ and Benefices Ecclesiastical or Civil, in
 “ Parliament and all other Places of the
 “ Kingdoms, and every one of the same,
 “ in all respects and without any exception
 “ whatsoever, as fully and amply as the
 “ Subjects of either Realm respectively
 “ might have done, or may do in any sort
 “ within the Kingdom where they are
 “ born.

“ Farther, whereas his Majesty out of
 “ his great Judgment and Providence hath
 “ not only profess’d in publick and private
 “ Speech to the Nobility and Council
 “ of both, but hath also vouchsafed
 “ to be contented that, for a more full sa-
 “ tisfaction and comfort of all his loving
 “ Subjects, it may be compris’d in the said
 “ Act, that his Majesty meaneth not to
 “ confer any Office of the Crown, any
 “ Office

" Office of Judicature, Place, Voice or
 " Office in Parliament of either Kingdom,
 " upon the Subjects of the other, born be-
 " fore the Decease of the late Queen, un-
 " til Time and Conversation have en-
 " creas'd and accomplish'd an Union of the
 " said Kingdoms, as well in the Hearts of
 " all the People, and in conformity of
 " Laws and Policies in these Kingdoms,
 " as in the Knowledg and Sufficiency of
 " particular men, who being untimely
 " employed in such Authorities, could no
 " way be able, much less acceptable, to
 " discharge such Duties belonging to them:
 " It is therefore resolv'd by us the Com-
 " missioners aforesaid, not only in regard
 " of our Desires and Endeavours to further
 " the speedy Conclusion of this happy
 " Work intended, but also as a testimony
 " of our Love and Thankfulness for his
 " gracious Promise, on whose Sincerity
 " and Benignity we build our full Assu-
 " rance, even according to the inward
 " sense and feeling of our own loyal and
 " hearty Affections, to obey and please
 " him in all things worthy the Subjects of
 " so worthy a Sovereign, that it shall be
 " desired of both the Parliaments, to be
 " enacted by their Authority, that all the
 " Subjects of both Realms, born before
 " the Decease of the late Queen, may be
 " enabled

“ enabled and capable to acquire, pur-
 “ chase, inherit, succeed, use and dispose
 “ of all Lands, Goods, Inheritances, Offi-
 “ ces, Honours, Dignities, Liberties, Pri-
 “ vileges, Immunities, Benefices and Pre-
 “ ferments whatsoever, each Subject in
 “ either Kingdom, with the same freedom
 “ and as lawfully and peaceably as the very
 “ natural and born Subjects of either
 “ Realm, where the said Rights, Estates
 “ or Profits are establish’d, notwithstanding
 “ whatsoever Law, Statute, or former
 “ Constitutions heretofore in force to
 “ the contrary; other than to acquire, pos-
 “ sess, succeed or inherit any Office of the
 “ Crown, Office of Judicatory, or any
 “ Voice, Place or Office in Parliament, all
 “ which shall remain free from being
 “ claim’d, held or enjoy’d by the Subjects
 “ of the one Kingdom within the other,
 “ born before the Decease of the late Queen,
 “ notwithstanding any Words, Sense or
 “ Interpretation of the Act, or any Circum-
 “ stance thereupon depending, until there
 “ be such a perfect and full Accomplish-
 “ ment of the Union, as is desired mutu-
 “ ally by both the Realms. In all which
 “ points of reservation, either in recital of
 “ the Words of his Majesty’s sacred Pro-
 “ mise, or in any Clause or Sentence be-
 “ fore specified, from enabling them to
 “ any

“ any of the aforesaid Places or Dignities,
 “ it hath been and ever shall be so far from
 “ the thoughts of any of us, to presume
 “ to alter or impair his Majesty’s Preroga-
 “ tive Royal (who contrariwise do with
 “ all comfort and confidence depend herein
 “ upon the gracious Assurance which his
 “ Majesty is pleas’d to give in the Decla-
 “ ration of his so just and Princely Care
 “ and Favour to all his People) as for a
 “ farther laying open of our clear and du-
 “ tiful Intentions toward his Majesty in
 “ this and in all things else which may con-
 “ cern his Prerogative, we do also herein
 “ profess and declare, that we think it fit,
 “ there be inserted in the Act to be pro-
 “ posed and passed in express terms, a suf-
 “ ficient reservation of his Majesty’s Pre-
 “ rogative Royal, to denizate, enable and
 “ prefer to such Offices, Honours, Digni-
 “ ties and Benefices whatsoever in both
 “ the said Kingdoms, and either of them,
 “ as heretofore excepted in the preceding
 “ reservation of all *English* and *Scots* Sub-
 “ jects born before the Decease of the late
 “ Queen, as freely, sovereignly and absolute-
 “ ly as any of his Majesty’s most noble Pro-
 “ genitors or Predecessors Kings of *England*
 “ or *Scotland*, might have done at any time
 “ heretofore, and to all other Intents and Pur-
 “ poses, in as ample manner as if no such

“ Act had been, or thought of or mentioned.

“ And forasmuch as the several Jurisdic-
 “ tions and Administrations of either
 “ Realm may be abused by Malefactors,
 “ by their own Impunity, if they shall
 “ commit any Offence in the one Realm,
 “ and afterwards remove their Persons and
 “ Abode unto the other ; it is agreed, that
 “ there may be some fit course advised of
 “ by the Wisdoms of the Parliaments for
 “ Trial and Proceeding against the Persons
 “ of Offenders remaining in the one
 “ Realm, for and concerning the Crimes
 “ and Faults committed in the other Realm.
 “ And yet nevertheless that it may be law-
 “ ful for the Justice of the Realm, where
 “ the Fact is committed, to remand the
 “ Offender remaining in the other Realm
 “ to be answerable unto Justice in the same
 “ Realm where the Fact was committed ;
 “ and that upon such Remand made, the
 “ Offender shall be accordingly delivered,
 “ and all farther Proceeding, if any be, in
 “ the other Realm shall cease, so as it may
 “ be done without Prejudice to his Maje-
 “ sty, or other Lords in their Escheats and
 “ Forfeitures. With Provision neverthe-
 “ less, that this be not thought necessary to
 “ be made for all Criminal Offences, but
 “ in special Cases only, as namely in the

“ Case

“ Cases of wilful Murther, falsifying of
 “ Moneys, and forging of Deeds, Instru-
 “ ments and Writings, and such other like
 “ Cases, as upon further Advice in the
 “ said Parliament may be thought fit to
 “ be added.

These were the Articles agreed upon,
 which being written in several Scrolls of
 Parliament, were subscribed and sealed at
Westminster, Decemb. 6. by the Commis-
 sioners of both Parliaments, and one there-
 of presented the same Evening to his Ma-
 jesty by the E. of *Salisbury*, who in name
 of the whole Number there present, hav-
 ing shewed what Pains they had taken in
 that Business, and how after many Confe-
 rences, they were come to the Resolution
 contained in that Scroll, besought his Ma-
 jesty to accept graciously that which was
 done, and made Offer of their best Service
 in perfecting that Work, as they should be
 employed.

The King professing a great Content, did
 especially thank them for reserving his Pre-
 rogative, in the Preferment of Men to Offi-
 ces and Honours in either Kingdom. For
 Inequality, said he, of Liberties and Privi-
 leges, is not the Way to effect the Union I
 desire, Capacity of Offices ought to be e-
 qual to both People; but the Moderation

of that Equality must be left to me : neither ought you to suspect that I will offer any manner of Grievance to either of the Countries, nor do any thing that may kindle Emulation among them, considering the Desire I have to see you united in a fast and indissolvable Amity. This said, he recommended the Prosecution of that Business in the several Parliaments, to their Fidelity and Trust, wishing them to lay aside all Jealousies, needless Fears, and other worse Passions.

But the same Author tells us, *pag. 505.*
 “ That in the Parliament of *England*, the
 “ Matter of the Union received many
 “ Crossings, and of all the Articles condemned upon among the Commissioners,
 “ only that was enacted which concerneth
 “ the abolishing of Hostile Laws. The
 “ King grieved at this exceedingly, and
 “ conceiving that the Work should more
 “ easily be effected, if a beginning was
 “ made in *Scotland*, did call a Parliament
 “ in *August*, which was kept by *Lodowic*
 “ Duke of *Lenox*, as Commissioner for
 “ his Majesty, the Earl of *Montrose* being
 “ then deceased. The Estates, to satisfy
 “ the King’s Desire, did allow all the Articles concluded in the Treaty, with a
 “ Provision, that the same should be in like
 “ manner ratified by the Parliament of

“ *Eng.*

“ *England*, otherwise the Conclusions taken should not have the Strength of a Law. It was also declared, that if the Union should happen to take effect, the Kingdom notwithstanding should remain an Absolute and Free Monarchy, and the fundamental Laws receive no Alteration. But the Parliament of *England* either disliking the Union, as fearing some Prejudice by it to their Estate, or upon some other hidden Cause, did touch no more the Business, and so that good Work, tending to the Advantage of both Kingdoms, was left and quite deserted.

The Archbishop might have said a great deal more, would his prevaricating Temper in favour of the High Church-men have allowed him; for the Union was not only deserted, but the Nation of *Scotland* unkindly used in Parliament, Convocation and Pulpits, as will appear by the following Instances.

1. Tho the Commissioners for the Union had agreed, That all those born after the Decease of Queen *Elizabeth* in either Kingdom, under the Obedience of his Majesty and his Royal Progeny, should be enabled to possess all Goods, Lands and Chattels, Honours, Dignities, Offices, Liberties, Privileges, &c. without any Ex-

ception whatsoever, as amply as the Subjects of either Realm respectively might have done, within the Kingdom where they were born ; and tho the Judges after a full Debate in both Houses, delivered it in Parliament, as their Opinion and Resolution in Law in the Case of *Calvin*, that the *Postnati* of *Scotland* were not Aliens but Natural Subjects ; yet the Parliament of *England* would not determine the Case, but adjourned it to the *Exchequer* Chamber, to be determined there by Common Law.

This was so much harder upon the *Scots*, that their Case had been ruled by former Precedents, and particularly by the Laws and Practice in the time of *Edward III.* when such as were born in that part of *Scotland*, which he had subdued, were made capable of all the Privileges of the Subjects of *England*, tho they were ruled and governed according to the Laws of *Scotland*, and the like Privilege was allowed to those born in the Provinces of *France*, subject to the Crown of *England*. Nay this was not all, for the Lord Chief Justice *Coke*, in the 7th part of his Reports, fol. 28. says, that there was such a Concurrence of Judgments, Resolutions and Rules in the Law Books in all Ages concerning this Case, as if they had been prepared for deciding the Point in Question, and

and that not one Opinion of all the Law Books of *England* was against this Judgment.

There was still a later Instance which made it harder upon the *Scots*, viz. that in *Michaelmas Term* 13th & 14th of *Q. Eliz.* as appears by *Dyer's Reports*, a *Scots-man* was brought to Trial in the Queen's Bench for a Rape; and when he demanded that one half of his Jury should be his own Countrymen, as was always allowed to other Foreigners, it was denied him, because the Judges gave their Opinion, that a *Scots-man* was never accounted a Foreigner in the Kingdom of *England*: so that they were willing to allow us to be Subjects of *England* in Cases of Punishment or Loss, but were resolved to treat us as Foreigners in Cases of Reward and Advantage.

Tho one would think that this was a great deal more than enough, yet the Outrages done to our Nation did not stop here, for the Malice of the Highfrown Party discovered it self against us, in the House of Commons, in the Convocation House, and in the Pulpit. In the first one *Chr. Piggot* had so little sense, or respect to the Dignity of the House as to say, "That of all the Countries
" this day inhabited, *Scotland* is the most
" barren, and *Scots-men* the most perfidious
" and

“and barbarous, a People without Religi-
 “on, and not worthy to be admitted to
 “Court; that *English*-men could have no
 “other Commerce with them, than such
 “as a Judge must have with an Highway-
 “man, the one to prescribe Punishment,
 “and the other to receive it, they being
 “Traitors in Heart and Blood. In the
 Convocation, one Dr. *Fuller* compared the
 Union of the Kingdoms, “to the break-
 “ing down a Hedg betwixt a barren and
 “a fruitful Field, which would let in the
 “lean Cattle among the fat, and make all
 “lean together. An Argument which
 shewed the Author to be a better Grazier,
 than a Divine or a Statesman; and be-
 spoke his Fear, that some body else who
 better deserved it, might come in with
 him for a share of his fat Benefice. But
 both these were hallowed by a virulent Ser-
 mon of one Dr. *Robinson* at *Pauls-Cross*,
 who so far forgot his Function, his Audi-
 ence and his Text, that he fell foul upon
 the *Scots* in a virulent Invective, calling
 them a perjured, perfidious and deceitful Na-
 tion. Had not these things been transmit-
 ted to Posterity, by an Author of Sir *Tho.*
Craig’s Quality, Probity and Opportunity,
 in his Manuscript *de Unione Regnorum*, cap.
 7, & 8. towards the beginning, and had
 we not known them exemplified and out-
 done

done in our own time, by slovenly Reflections and scandalous Pamphlets, in the Matter of *Darien* and the Union; it could scarcely be believed, that any People of one civilized Nation would have so rudely treated those of another. Yet Sir *Thomas* at the same time does the Kingdom of *England* so much Justice, as to own that the far greater part of them were for the Union, and very much commends the good Temper, Learning, and other Qualifications of the *English* Commissioners appointed to treat with those from *Scotland*, of which he himself was one. It must be likewise owned, that many of the Greatest Men then in *England*, as Sir *Francis Bacon*, the Lord Chancellor *Egerton*, the Lord Chief Justice *Coke*, and others appeared for the Union, and that there were very good Treatises wrote and published by *Englishmen* on that Head, as Sir *Francis Bacon's* Speech in the House of Commons, His brief Discourse of the happy Union of *England* and *Scotland*; a Discourse plainly proving the evident Utility and urgent Necessity of the happy Union of the two Kingdoms, by *John Bristol*, published by his Majesty's Approbation; a Treatise of Union by *J. H.* Another intituled, The miraculous and happy Union, and the Lord Chancellor *Egerton* his Speech about the Postnati. But the High-
Church

Church-Faction rendered all Endeavours to accomplish that Union ineffectual. They soon found K. *James's* weak side, and knowing that his Inclination to a towering Prerogative carried the Ascendant with him above all other things, they cut out other Work for him to employ himself about, than the Union of the Kingdoms, which was to advance his Prerogative in *Scotland*, to the intire Subversion of our Liberties in Church and State, and concurred with him as heartily in the one, as they opposed him in the other. The Rancor they had conceived against our Constitution was incurable, because of the Hopes which the *English-Puritans* or moderate Churchmen had conceived from an Union of the Nations; and because of our Churches having prevailed with the King to intercede with Queen *Elizabeth* for the Learned *Cartwright* and other Dissenting Ministers that were persecuted in her Reign, and particularly for the Pious Mr. *John Udal*, whom the Faction had got condemned to die for writing a Book, entituled *a Demonstration of Discipline*, tho they could not prove it, as appears by the printed Account of his Trial. So much for the Union of the Nations, and the Success of it in the Reign of K. *James*.

In that of K. *Charles I.* we don't find it
to

to have been once mentioned, for the Faction had so much the Ascendant over that unhappy Prince, as to engage him with more eagerness than they had done his Father, to overturn our Constitution, and endeavour a Conquest of us.

In that of K. *Charles II.* the Parliament of *Scotland* did in 1670. pass an Act, empowering his Majesty to grant a Commission under the Great Seal of *Scotland*, for such Persons as he should think fit to name, to treat with Commissioners of *England* about the Union, but with this Proviso, that nothing they agreed upon should stand, except confirmed by the Parliament of *Scotland*.

When the Commissioners met, the King sent them the five following Points to be considered, as the subject Matter of the Treaty.

1. The preserving to either Kingdom their Laws Civil and Ecclesiastical entire.
2. The Uniting of the two Kingdoms into one Monarchy under his Majesty, his Heirs and Successors, inseparable.
3. The Reducing both Parliaments into one.
4. The Stating of all Privileges, as to Trade, and other Advantages.

5. The

5. The securing the Conditions of the Union.

But they were left to their own Method of Debate, and to make such Proposals on each Head as should occur to them.

It was agreed as a Preliminary, that except all was agreed on, no particular thing resolv'd on should be binding.

When they came to consider the Matter, Sir *John Nisbit*, one of the Commissioners for *Scotland*, a Great Lawyer and the King's Advocate, argued that the Union could not be as proposed in the 2^d and 3^d Articles, because they were destructive to the Fundamental Government of the Kingdom, and tended to take away our Parliaments, which he said the Parliament it self could not do; nor were the Commissioners appointed for the Treaty impowered to divest the Electors of that Power, and alledged an Act *Parl. 8. Jac. 6.* which declared it Treason to attempt the Alteration of the Constitution of the Parliament. He alledg'd further that K. *James's* Commission to treat was not of that nature, and that his Commission ought to be the Rule of the Treaty. He added, that in the Union among the Republicks of *Greece*, each Republick reserved their Sovereignty: and the E. of *Lauderdale* said, That it was the like among the *United Provinces*, the several King-

Kingdoms of *Spain*, and the 13 Cantons of *Switzerland*. It was added, that it was the same as to *Poland* and *Lithuania*; and as to the Republicks of *Greece*, they were represented in their respective Commonwealths, at the General Council of the *Amphictiones*.

Then as to the Constitution of the Parliament, the Commissioners for *Scotland* resolutely adher'd to it, that none of the constituent Members of the Parliament of *Scotland* should be excluded from making up the Parliament of *Great Britain*: For they could not exclude any of those from whom they had their Authority, but agreed that his Majesty might call together both Parliaments to consult about the publick Affairs of the Monarchy. There were also Debates among 'em about Appeals to Parliament from Courts of Judicature, whose Sentences in *Scotland* are not questionable but by Parliament; and that it would be an Inconsistency that one part of the Monarchy should be liable to Appeals before the Parliament, and the other not.

As to the Union of both Kingdoms into one Monarchy, the *Scots* Commissioners would agree to it on no other Terms but in the Posterity of K. *James VI.* in which the *English* made some difficulty, and thought Heirs and Successors enough; but the

the *Scots* insisted upon it, and alledged that by the 11th of *Hen. VII.* an Usurper being crown'd, was reputed lawful Successor in *England*. This is the Substance of what was transacted in that Treaty, which continued from the 13th of *September 1670.* under several Adjournments, till the 14th of *November* following, when the *Scotish* Commissioners attended his Majesty, gave him an account of what had pass'd, and that all they had done was in obedience to his Majesty's Commands; and that in consideration of his Interest and Greatness they had condescended that *both Parliaments intirely should be united*, and that nothing less could have satisfied the Parliament of *Scotland*, who had authorized them. Thus this Treaty broke up, wherein the Earl of *Lauderdale* tho so far gone in Arbitrary Principles and Practices; yet would not abate one Member of our Parliament, or concur in any thing that might lessen our Honour, or the Security of our Constitution, as an Independent and Sovereign Kingdom: and we find it to be the Opinion of Sir *John Nisbit*, one of the greatest Lawyers ever we had, that they could not do otherwise without incurring the Penalty of High Treason, which it's hop'd will be a sufficient *Carveat* for other Commissioners to take care how they act in the like case.

For

For we find that, according to Sir *John's* Opinion, our Parliament it self cannot alter our fundamental Constitution without Instructions from their Electors; and therefore in an arduous case of this nature, it would seem that according to his Principles nothing can with safety be finally determin'd, even by a *Scots* Parliament, without the previous Consent of the Electors, which cannot be had, till the Matter be fairly propos'd and resolv'd on by the Majority of our Barons, Freeholders and Burgesses at their respective Meetings for Elections.

In the time of K. *James VII.* there was nothing done in the Union; but in the Reign of K. *William* and Q. *Mary* it was again propos'd by our Convention of Estates, who appointed Commissioners to treat upon that matter with *England*; to which there was never any Answer return'd, tho his Majesty mention'd it to the *English* Parliament at several other times.

By all these Instances it appears that the *English* were much more generous and kind in their Proposals for uniting the Nations, and seem'd to be much more cordial in it before the Union of the Crowns than they have been since.

S E C T. III.

That ever since that time to the beginning of this Reign there has been a prevalent Party in that Court, who have been for imposing upon us in relation both to Church and State, and instead of allowing us a share in any thing of their Constitution, which was better than our own, they have been for obliging us to a Compliance with that which was worse than our own.

THIS, with the Reason of their having Influence enough to effect it, will appear by the following Instances.

When our King succeeded to the Throne of *England*, he knew that those in the Administration there, were no Friends to the Constitution either of our Church or State; and that in order to secure his Favour to their own Party against the Puritans, who conceiv'd great hopes from him because of his being educated that way, they would concur with him in any Design for enlarging his Power in *Scotland*, that he might bring the Church of our Nation to a Conformity

formity with that of *England*: and he being by our Constitution kept much short of the high Prerogative which he aim'd at, was as glad to oblige the High-Church Party, as they were to oblige him; so that our Affairs were wholly manag'd by their Advice, and all the chief Posts in our Kingdom fill'd with such Men as the Court of *England* knew would be subservient to their Designs. The Consequences of this Influence of the *English* Court were ever after so visible upon our whole Administration, that from that time to the beginning of this Reign we have been treated more like a Province or conquer'd People than like a free and independent Nation. This hath been evident in every thing, wherein the Interest of *England*, or perhaps rather the Humour of the Governing Party at Court there, seem'd to interfere with the Interest of *Scotland*. And in all such Oppressions our own Countrymen that were prefer'd here, or in our Neighbouring Nation by the Court of *England*, have been the principal Instruments.

The Truth of this will appear beyond possibility of Contradiction, if we do but glance upon a few Instances in every Reign since the Union of the Crowns.

K. *James VI.* soon after his Advancement to the Throne of *England*, attempted

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and obtain'd an Advancement of his Prerogative in *Scotland*, as may be seen by *Parl. 18. Act. 1.* This was one of the first Proofs we had after the Union of the Crowns, of the Design of that Faction at Court upon our Liberty.

And had it not been for the Influence of our own Noblemen and others that either were in Posts, or expected Advancement from Court, and for the Increase of the King's Power and Wealth, which put him in a condition to bring our Nation to such a Compliance by Force and Bribery, it is not to be imagined that the Court of *England* could have effected it; for the *Scots*, who had all along reserv'd to themselves a degree of Liberty beyond any of their Neighbouring Monarchies, and had so lately exerted it in dethroning the Mother, would never have been so impolitick, as to advance the Prerogative of the Son upon the Increase of his Power, which should rather have oblig'd them to retrench it, had they been at their own liberty. This it's hop'd will be allow'd as one pregnant Instance of the Influence of the Court of *England* upon our Administration, and that it was a direct Blow at the very Root of our Constitution.

King *James* having obtained this Point, the next was to get an Act for restoring the

the Estate of Bishops to their Temporalities, Dignities, and Honours, and rescinding all Acts that had been made in their Prejudice, as may be seen by the 2^d Act of that same Parliament. This he thought absolutely necessary for pleasing the *English* Court and promoting his own Designs; for being a Learned and Politic Prince, he had observed that the Estate of Bishops had been the main Supporters of the Pope's Supremacy, and that they frequently maintained the Pretensions of the See of *Rome*, even against their own Princes, and the undoubted Interest of their Native Country; and therefore craftily foreseeing, that if he could put himself in the Pope's Place which is owned by Sir *George Mackenzie* our Sovereigns now are*, the Bishops must be brought to a greater Dependance upon the Crown, than ever they had upon the See of *Rome*, and by consequence contribute more to support the absolute Power of the Prince, than ever they had done to maintain the Supremacy of the Pope; and herein he was not mistaken in our *Scotts* Bishops.

K. James had before this time, to please the Court of *England*, introduced Bishops and an High Commission-Court, contrary

* Instituc. p. 23.

to the Mind of our Church, and against our standing Laws; but having now *viz* & *modis*, got the Authority of the Bishops ratified by the 2d Act of his Parliament in 1606. he made himself more absolute than were ever any of his Predecessors, and by means of the High Commission Court which he renewed, and whose Power he enlarged at several times, at last he obtained that which he had been long seeking after, *viz.* to have the Persons and Estates of his Subjects in his Power, without being tied up to the Forms of the Common Law; so that this Court was of as good use to support his lawless Prerogative, as the Inquisition was to support the Tyranny of the Court of Rome, and was every whit as arbitrary in its Procedure, and chiefly managed by the two Archbishops.

These new Lord Bishops, that they might testify their Gratitude to the King their Creator, were always among the first, who were for burdening the Country with Taxes, and by their Practice, Example and Influence, advanced the Prerogative to such a height, that the King's Will must be obeyed contrary to the Law, in all Matters relating to the Government, Discipline and Worship of the Church; so that they overturned all the Power which the Law had placed in the Presbyteries,

teries, Provincial Synods and General Assemblies of our Church, invaded the Constitution of all those several Judicatories, took away their Freedom of Vote and Debate, packed the General Assemblies and Synods on occasion with such as had no legal Commission to be Members, but were summoned by the King *ad libitum* to serve a Turn, and then they commanded Obedience to their Illegal Canons by Proclamation; and if any Person of what quality soever found fault with this Arbitrary Way of Proceeding, they were exposed to the Fury of their High-Commission-Court.

It is not to be supposed, that the People of Scotland, whose Liberties Civil and Religious were interwoven with their Constitution, could be brought to submit to this sort of Government, without great Opposition; but what could they do? their King was now become more powerful and rich than any of his Predecessors, he was influenced by a Court that hated our free Constitution, as much as he did himself; the chief of our Nobility were either entertained at that Court with hopes of Preferment, or actually taken off from the Interest of their Country by Places and Pensions at home; and such as were too generous to be taken off that way, saw they would but ruin themselves, and do
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their Country no good by their Opposition, and therefore sat still as Neuters.

In the mean time the Bishops increased in their Power, and being not only made Lords of Parliament, but Lords of the Exchequer, Council, Session and High-Commission, they looked down upon the Nobility with Contempt, as 'twas foretold they would, and not only disputed Precedency with them in Parliament and elsewhere, but accused them as they thought meet to the King, and became so terrible, that they overaw'd the whole Kingdom. The only thing that curbed them, was their Apprehensions of being called to an account by the General Assemblys of the Church and the Parliament of the State; and therefore the Court and they durst not admit of a free Meeting of either, but surprized them both by illegal and shorter Summons than the Law required; and when they did meet, took all the Arbitrary Methods of closeting, bribing, threatening and flattering, and were from time to time attended by the Guards, to hector those that were refractory into a Submission. Yet with all these Precautions, they dared not to venture any thing to a free Vote, either in the Assembly at *Perth*, where they imposed the five Articles upon us, or in the Parliament which was summoned

moned afterwards to confirm Episcopacy and those Articles; so that their Design had certainly miscarried, and the Matter would have been determined against 'em for all their closeting, threatening and bribing, but for the following Methods.

1. That contrary to Law, they discharged the presenting of any Grievances to the Parliament, but what were first allowed by the Council, and signed by the King.
 2. That in like manner they forbad the Representation of any Grievances in name of the Church.
 3. That when the Parliament was met, they discharged the private Meetings of any of the Members, to consult upon what was to be treated in the House.
 4. That contrary to Promise and the Custom of Parliament, they refused to let the House have the Perusal of what was previously agreed on by the Lords of the Articles.
 5. That contrary to the uninterrupted Custom of Parliament in chusing those Lords of the Articles, the Bishops illegally withdrew into the Inner House, and chose the Temporal Lords of the Articles, whom the Court had agreed upon before hand, and those Lords again chose the Bishops, and they together chose the Barons and Burrows; by which means the Constitution of the State, as well as that of the Church,
- was

was totally subverted, and our Parliaments made wholly insignificant: and as if all this had not been enough, they brought in amongst us the unknown Custom of voting by Proxies for *English* Titular Lords, and others that were absent; and some of those Proxies were likewise made use of contrary to the Instructions of those that gave them. Besides this they prevailed with several that were not for their purpose to be absent; no Reasoning was allowed in the House upon the Matters propounded; the Officers of State, who by our then Constitution had no Right to vote, were admitted to give their Votes; the most zealous of the Ministers were arbitrarily sent out of the City, lest they should have influenced the Members; the King came down as far as *Tork*, to overawe them with his Nearness, and yet after all they carried it only by a scanty Majority.

K. *James* VI. having by these Ways and Means, got his Arbitrary Measures countenanced by the Shadow of a Law, took care to prosecute the Contraveners with the utmost Rigour, while *Papists* were favoured and promoted to the Chief Offices of State, *Papish* Priests acquitted, and legal Prosecutions against them illegally stopped. Nor did our Bishops themselves escape free from some Lashes of that

that Arbitrary Power, which they had set up against others; for they were obliged not only to go to *England* in 1610. to receive Consecration by the Prelates there, where Bishop *Andrews* affronted them, by putting it to the Question, whether they ought not first to be ordained Presbyters; but the *English* Prelates did at the King's Command, absolve the Marquis of *Huntly* a Papist, whom the *Scotish* Bishops had excommunicated, and were for imposing all their own Rites and Modes upon the Church of *Scotland*, which Bishop *Cowper* of *Galloway* and others resented as far as they durst, and complained of it as a reviving of the old Pretensions of the Church of *England*'s Superiority over the Church of *Scotland*.

The Truth of all this may be seen at large by those that will be pleased to look upon the Acts of Parliament establishing our Reformation, the Books of Discipline, the Confession of Faith sworn and subscribed by the King and the whole Nation in 1580. the Acts of Parliament establishing Presbytery afterwards, the Records of our Church printed in *Calderwood's History*, Mr. *Andrew Melvile's Parasyngma Perthense*, *Celsæ Commissionis Anatomia*, *Epistola ad Ecclesias Reformatas de Regimine Ecclesiæ Scoticæ*, *Vindicta illius Epistola con-*

tra Calumnias Spotswodii, Fani Andreæ Pseudo-Archiepiscopi, &c. Nay the Truth of these things is owned in the main, and may easily be collected from Archbishop *Spotswod*'s own History, tho' according to his manner he prevaricates, and sets Things in a false Light as much as he can, he himself being one of the principal Tools of the Court.

K. *James* having brought Matters to this pass in *Scotland*, was taken off by Death, and left the Prosecution of his Design to his Son K. *Charles I.* who pursued it with so much Vigour, that our Nation being no longer able to bear it, the Matter came to an open Rupture betwixt them and the King, the deplorable Issue of which both as to his own Royal Person, and our unhappy Country which was that of his Nativity, is so well known that it needs not be repeated. Therefore I shall only give a short account of the Occasion of that Rupture, from the Memoirs of the House of *Hamilton*, written by Dr. *Burnet*, now Bishop of *Sarum*, who cannot be suspected in the least to be partial in favour of the Parliament of *Scotland*, which broke out into that War against the Court.

K. *Charles*, he says, cherished the Bishops of *Scotland* with all Expressions of Kindness

ness and Confidence, but they lost all their Esteem with the People upon the following Accounts.

1. The People of *Scotland* had drunk in a deep Prejudice against every thing that favoured of Popery, which the Bishops judged was too high, and therefore endeavoured in Sermons and Discourses to lessen this Prejudice, to mollify the Opinions of the *Papists*, and to commend their Persons, not without some Reflections on the Reformers.

2. The Bishops and their Adherents did openly and zealously defend the Tenets of *Arminius*; and the Bishops not only undertook to beat down the Opinion of the Morality of the Sabbath, but by their Practices expressed their Neglect of that Day, and declared themselves Zealots for the Liturgy and Ceremonies of *England*.

3. The Nobility were offended at the Bishops, because the King's Favours were mainly distributed by their Recommendation; they were also upon all Affairs, nine of them Privy Counsellors, several of them of the Exchequer, Archbishop *Sporfwood* made Lord High Chancellor, and the Bishop of *Rosse* Fair to be Lord Treasurer.

4. The Bishops began highly to pretend to Tythes and Impropriations, to get the State

State of Abbots with all their Revenues and Power restored to the Church, and to have half of the Judges Churchmen.

5. The Bishops were hateful to the Ministry, because of their Pride, which was cried out upon as insupportable. Complaints were made of Simoniackal Pactions with their Servants, and they exacted a new Oath (*besides what was enjoyned by Law*) from those that entred upon the Ministry, to obey the Articles of *Perth*, and submit to the Liturgy and Canons. They made daily Inroads upon the Jurisdiction of the Ministers; and their Rigour against those that favoured of Puritanism, with their meddling in all secular Affairs, and leaving their Diocesses to wait on the Court and Council, made them the Objects of all Mens Fury.

6. That which heightened all to a Crisis was, their advising the King to introduce some Innovations into the Church by his own Authority.

7. A Liturgy was drawn for *Scotland*, or rather the *English* Liturgy reprinted with that Title, save that it had some Alterations, which made it more invidious and less satisfactory. They agreed likewise on a Book of Canons, and resolved that the one should be the Form of *Scots* Worship, and the other the Model of their

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Government, which totally differ'd from their former Practices and Constitutions.

8. The Bishops not satisfied with the General High Commission Court, produc'd Warrants from the King for setting up such Commissions in their several Diocesses, in which by Persons all of their own Nomination they might punish Offenders.

This is a very true, tho heavy Charge against our Bishops by the Learned Bishop; yet it were easy from the Protestations, Declarations, Petitions, and other Papers then publish'd by the Church and State of *Scotland*, to make it a great deal heavier: but this is enough to shew that *K. Charles* was so much influenc'd by a prevalent Faction of the Court of *England*, who advis'd him to reduce us by Force rather than to give way to our Demands *, that he made no scruple to invade our Constitution Ecclesiastical and Civil: and it is well enough known that that Prince, how pious and just soever in other respects, was so much prevail'd upon to follow *Stafford's* Method of Governing our State, and *Laud's* Model of Governing our Church, that he came against us with an Army to second those Invasions, which the High-flown Party of the

* Representation of the States of *Scotland* in 1640.

Church of *England* had occasion'd his Father and himself to make upon the fundamental Constitution of our Church and State.

We come next to his Son K. *Charles II.* He knew well enough what we had done and suffered for opposing the illegal Trial and barbarous Murder of his Father ; and that upon the News of his Death, we immediately proclaim'd himself King, and afterwards expos'd our selves to the Fury of the victorious Usurper, made our Country a Field of Blood, and lost our own Liberty by espousing his Cause ; yet he was so much influenc'd by the High-Church Party in *England*, that soon after his Restoration he overturn'd our Church and State, which his Father had consented to re-establish ; he obtruded Bishops upon us again, and by their assistance obtain'd such Laws as made us as absolute Vassals (the Shadow of Parliaments only excepted) as the Subjects of *France* or *Turkey* ; and by a Tyrannical Execution of those Laws, several Insurrections were occasion'd, which gave the Court a handle to oppress the Country by Military Execution and Highland Hosts, and so to advance the Prerogative, that no *Scots*-man could plead any Property in Conscience, Life or Estate, but all was at the devotion of the Court : and by the Act of
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Navigation, &c. in England, the Freedom of Trade which we had formerly enjoy'd under his Grandfather, his Father, nay, and even under the Usurpers, was entrench'd upon by the Act of Navigation and other Acts mention'd in the Grievances of Scotland in relation to their Trade with England, sent up to the Council, Feb. 3. 1668. lately printed in the *Miscellanea Aulica*.

The Grievances of Scotland in relation to their Trade with England, sent up to the Council, Feb. 3. 1668.

“ **W**E have received your Lordships
 “ Paper of the 1st of February
 “ Instant, signed by your Lordships Order,
 “ John Walker, in answer to ours of the
 “ 25th of January last. To which we re-
 “ turn this Answer: That as we are and
 “ shall be very far from formalizing in a
 “ Business of such a concernment; so
 “ when your Lordships shall consider the
 “ Dates of our Papers, we hope you will
 “ find we have not been the cause of any
 “ loss of time or delay. By your Lord-
 “ ships first Paper, you desired to have the
 “ whole in Prospect, and we did conceive
 “ you had it by our first Paper, wherein
 “ we represented, that contrary to the Bri-
 “ F “ vileges

" privileges declar'd to belong by Law to his
 " Majesty's Subjects of *Scotland*, born un-
 " der the Allegiance of the King, and con-
 " trary to that Freedom of Trade enjoy'd
 " for so many Years, some Acts have been
 " made since *March 25.* in the *12th* Year
 " of his Majesty's Reign. We exprest
 " very particularly what related to the
 " Act of Navigation: and where we said,
 " that by other Acts of Parliament since
 " that time some Goods and Commodities
 " of *Scotland* are at some times charg'd
 " with a Duty and Imposition equal to, or
 " above their Value; we doubted not but
 " your Lordships conceiv'd we meant that
 " Branch of an Act, charging *Scots* Cattel
 " brought into this Kingdom after the *24th*
 " of *August.* And that by the Custom
 " and Imposition charg'd upon some Goods
 " of *Scotland* about 16 times more than the
 " foreign Goods of the like nature; we
 " meant the Act imposing 16 s. 8 d. on
 " each Wey of the Salt of *Scotland*, where
 " one Shilling is only impos'd upon foreign
 " Salt. We mention'd also unusual Cu-
 " stoms exacted in *Northumberland* and
 " *Cumberland*, which we conceive might
 " have been very obvious to your Lord-
 " ships. These are the most material Ob-
 " structions, and we little expected your
 " Lordships could reasonably apprehend
 " any

“ any heterogeneous Matters from us, being
 “ both our Commissioners are limited to
 “ the Freedom and Libertys of Trade be-
 “ twixt the 2 Kingdoms, and to the Im-
 “ position obstructing the same; yet seeing
 “ your Lordships do still insist, that we
 “ should first declare more particularly
 “ what we have further to propose, and
 “ give you a Scheme of the whole, in
 “ compliance with this we do represent,
 “ that we expect your Lordships will con-
 “ sent to the restoring of his Majesty’s Sub-
 “ jects of *Scotland* to the same Freedom of
 “ Trade here in *England*, and the Domi-
 “ nions thereunto belonging, which they
 “ enjoy’d during the happy Reigns of his
 “ Majesty’s Royal Grand-father, and
 “ Father of blessed Memory; and for
 “ that purpose, to the repealing all the
 “ Clauses of Acts of Parliament here in
 “ *England*, which obstruct or destroy that
 “ Freedom. We have fully express’d our
 “ selves as to the first and greatest Ob-
 “ struction, the Act of Navigation; and
 “ we now mention further, the Act for
 “ encouraging of Trade, 15 *Car. 2. cap. 7.*
 “ and by it the Imposition on *Scots-Cattel*,
 “ from *August 24. to December 20.* and
 “ what by that Act may be interpreted to
 “ concern the Subjects of *Scotland* as to
 “ their Importation of fresh and salted or
 “ dried

"dried Fish; which last Clause depends
 "in part upon the Act of Navigation.

"An additional Duty laid on *Scots* Li-
 "nen Cloth, by the Act of Tunnage and
 "Poundage, in the 12th Year of his Ma-
 "jesty's Reign, being one full Moiety
 "more than is mention'd in the Book of
 "Rates.

"That part of the Act 14 *Car. 2. Cap.*
 "7. which forbids the carrying of Skins
 "or Hides, tann'd or untann'd, into *Scot-*
 "land.

"That part of the Act for preventing
 "Frauds and Abuses in his Majesty's Cu-
 "stoms, 14 *Car. 2. Cap. 11.* which obli-
 "ges all Goods and Wares that shall be
 "brought out, or carried into the King-
 "dom of *Scotland*, to pass by or thro the
 "Towns of *Berwick* or *Carlisle*. At least
 "we shall desire an Explanation of the
 "same.

"The Imposition laid upon *Scots* Salt,
 "above 16 times more than that upon fo-
 "reign Salt, 14 *Car. 2. Cap. 11.*

"The Imposition laid upon *Scots* Beer,
 "viz. 10 s. per Barrel, as if *Scots*-men
 "were Foreigners, 18 *Car. 2. Cap. 5.*

"And we further expect, that where
 "Foreigners or Places beyond the Seas are
 "mentioned in any Act, it be decla-
 "red, that his Majesty's Subjects of *Scot-*
 "land,

“ *land*, nor his Kingdom of *Scotland*, are
 “ not meant, nor cannot be so understood
 “ to be meant.

“ As concerning the unusual Customs
 “ impos’d lately in *Northumberland* and
 “ *Cumberland*, we mean, that lately there
 “ hath been demanded for every Stone-
 “ horse carried into *Scotland*, 3 *l.* 6. *s.* 8 *d.*
 “ for every Gelding 1 *l.* for every Mare
 “ 6 *l.* 6 *s.* 8 *d.* for every Quarter of
 “ Wheat carried by Land, 5 *s.* 4 *d.* of
 “ Rye, 4 *s.* of Pease, 4 *s.* of Big and Bar-
 “ ly, 2 *s.* 8 *d.* and of Oats, 1 *s.* 4 *d.*
 “ upon pretence of the Acts made in the
 “ 13th and 15th Years of his Majesty’s
 “ Reign : and without any colour of Law,
 “ new Imposts, as we are inform’d, are
 “ laid upon *Northumberland* Coals carried
 “ into *Scotland*, and unusual Customs upon
 “ ordinary Mercate Commodities brought
 “ every Mercate-day into *Berwick*.

“ Thus your Lordships have now the
 “ full Scheme of all that is to be demanded
 “ by us in this Treaty. But because what
 “ we have giv’n, in relating to the Act of
 “ Navigation, was the 1st in Time, and
 “ is the greatest Obstruction of our Trade,
 “ and indeed without which our Trade
 “ cannot be carried on here, we still insist
 “ upon an Answer to it in the 1st place, and
 “ then we shall willingly proceed to treat

“ on all the rest in order. And we hope
 “ it shall appear, we do and shall desire
 “ nothing, but the just and reasonable Re-
 “ moval of the Obstructions of that Free-
 “ dom of Trade so long enjoy’d, and the
 “ continuing and strengthening the happy
 “ Agreement of both the Kingdoms,
 “ which is our greatest desire, and shall be
 “ pursued by us most heartily and dili-
 “ gently.

His Brother K. *James VII.* tho we
 receiv’d him kindly, and establish’d his
 Succession by Law, when he was banish’d
 from *England*, and the Bill for excluding
 him from that Crown had pass’d the House
 of Commons there, did by the influence
 of the same Councils obtain such sanguinary
 Laws against the Presbyterians, as never
 were enacted in the World by one Party of
 Protestants against another, and at length
 arriv’d to that height of despotical Power, as
 to assume an uncontrollable Authority, and
 by Proclamation alone, to dispense with
 those Laws which establish’d our Refor-
 mation.

K. *William*, tho one of the best of Kings,
 and a Prince that came in designedly to re-
 dress our Grievances, yet was so much im-
 pos’d upon by the same Councils, that he
 adjourn’d and broke up the General Assem-
 blys

blys of our Church contrary to Law; and how, and by whose Influence he treated us in the Matter of our *East India* and *African* Company, and *Darien* Colony, can certainly never be forgotten while we continue a Nation. Nor is it to be omitted that by the Act of the 7th and 8th of his Reign, for preventing Frauds and regulating Abuses in the Plantation Trade, our Countrymen residing in *England* and in the *Englisb* Plantations had their Ships seiz'd when trading to the said Plantations, and no *Scots*-man, tho never so great a Freeholder in the Plantations, was allow'd to be a Juror, or to bear any publick Office; so that many of 'em were turn'd out upon that account, and some of them to avoid these Vexations were oblig'd to sell their Ships, &c. It is likewise well enough known that in his Reign there was an excessive Imposition laid upon our Linen Cloth, equal almost to a Prohibition.

S E C T. IV.

The Reasons why the English Court have treated us thus since the Union of the Crowns, and some Dangers pointed at, which we ought to avoid by the Treaty.

THE next thing to be consider'd is, what may be the Reasons why the English Court, who made us such kind and generous Proffers of an Union before K. James's Accession to their Throne, have treated us so unkindly ever since.

There's no doubt but many Reasons might be assign'd for it both on the account of the Court and Church, but we shall satisfy our selves with this one. The Union of the Crowns was thought sufficient to answer the main Design of the Courtiers, which was to shut up *Scotland*, as a Back-door for Invasions upon them from *France* or elsewhere; and not only so, but *Scotland* being under the same Sovereign, they knew that we must be oblig'd to be Partakers with them in any War they should afterwards happen to be engag'd in; and if upon any occasion we prov'd refractory, they

they doubted not but the Court Party at home would be able with their assistance to bring us to a Compliance: and therefore since we were tied to the same Line of Succession with *England*, they did not think themselves oblig'd to make us the same Tenders towards an Union, that they did, whilst we liv'd under a distinct Sovereign. Thus it came to pass, that the Proposals of uniting the Nations were not only neglected, but ridicul'd both in the Parliament of *England* and in their Convocation; and the greatest Outrages imaginable were done to the Honour of *Scotland* by satyrical envenom'd Reflections: the Privileges which had formerly been allow'd us by the Common Law of *England* were denied us, and the Court being engag'd in a Design to overthrow our Religion and Liberty, the Methods beforemention'd were agreed upon to pursue and effect it, and the High-Church Party, as they are call'd, did all they could to enable the Court to accomplish it.

The Observation which arises naturally from all this is, that we have no reason to hope for enjoying an Union with *England* upon honourable or advantageous Terms; but on the contrary have great reason to fear that we shall run a very great danger by such a Treaty, if the Administration of this Kingdom come at any time hereafter to be in the hands

hands of that Party which hath all along been the declared Enemies of our Constitution both in Church and State, and occasion'd us all those Troubles and Disasters which I have pointed at in the five preceding Reigns.

To make this a little clearer, since the Court of *England* (as has been mentioned already) has the disposal of all the Places of Power and Trust in this Kingdom, it must be own'd that whatever Party prevails in *England*, and thinks fit to make use of their Power for that end, may change our Ministry until they fill those Places with such, as for the sake of their Posts will be ready enough to comply with what Union they shall think fit to insist upon, and to use their utmost Endeavours to procure a Parliament that will do the same. Of this we can have no reason to doubt, when we consider, that those in Places of Power and Trust did for the most part always concur with the Court in those Arbitrary and oppressive Methods hinted at in the former Reigns, without having any regard to the Dishonour and Damage which the Consequences would bring upon themselves, their Posterity and their Country.

Who

Who could have thought that the Kingdom of *Scotland*, which had so gallantly asserted their Liberties in the Reigns of all their preceding Kings, and particularly in those of the five *James's* and *Q. Mary*, should after they had kept those Liberties in possession for so many hundreds of Years, have so easily parted with them to King *James VI.* upon his Succession to the Throne of *England*?

And who could have thought, that after they had smarted so severely for their Folly, and been forced to expend their Blood and Treasure to recover them again from *K. Charles I.* that they should have acted the same foolish part over again, and make so base a Surrender of them to *K. Charles II.*?

And who could have imagined that after he had chastised them with Scorpions in requital of their Kindness, the Nation of *Scotland* should have been so mad as to lead the Way to *England*, to settle their Succession upon his *Popish* Brother, who was virtually excluded by our Law, viz. the Coronation-Oath, appointed to be taken by all succeeding Kings and Queens in the Reign of King *James VI.*?

But the Case was plain, tho the Nation bore the Reproach, and sustained the Damage of those ignominious Transactions; they

they were not their Acts and Deeds, but those of our Courtiers and Prelates, and their Dependants and Adherents; 'twas they who committed those Rapes on our Religious and Civil Liberties, by the Assistance and Influence of the *Laudean* Faction, or High-Church of *England* Men; and therefore whenever our People found an Opportunity to shake off that intolerable Yoke of Prelacy, which made them so uneasy, they constantly fell in with it, as in the time of *K. Charles I.* and the late Revolution.

It is plain then, if we have any Remainders of Wisdom left us, that before we proceed in good earnest upon the Union, we ought to consider,

1. The present Disposition of the *English* Nation, and whether the *Laudean*, or High-Church-Faction, our irreconcilable Enemies, have more or less Power there, than when this Treaty was formerly set on foot.

2. We ought to consider what Treatment our Church-Constitution is to expect from that Party in case of a Union, when so many of their own Subjects who agree with us in Principles, are stigmatized with a Note of Bastardy by some of their Writers, as *Dr. Chamberlain* in his State

State of *England*, and in some measure treated as Aliens by the Sacramental Test.

3. We ought duly to consider how the Spirit of that Faction hath of late discovered it self in a Pamphlet, licensed by the Vice-Chancellor of the University of *Oxford*, against Toleration of those of the Principles of our Church, in *England*; and in another, entituled, A Letter to Sir J. P. Baronet, a Member for the ensuing Parliament, relating to the Union of *England* and *Scotland*, wherein the Author inveighs bitterly against the Presbyterians, and proposes the overturning of that Government in *Scotland*, as one of the Terms of the Union. Nor ought we to let pass unobserved the Malice and Rancour of the Faction, expressed against that great and worthy Part of their own Nation, the moderate Churchmen, in a Pamphlet, called, *The Character of a Low-Churchman*.

4. We ought duly to consider the ignominious Treatment our Country met with by a certain Person, who values himself, as being a Man of great Interest there, and thought fit to express himself concerning us, when the Union was mentioned in K. *William's* Reign, in a manner no ways becoming a Gentleman. To this we may add the continual Affronts put upon our Nation in Pamphlets and Books

Books printed in *England*, the Countenance given by one of their late Secretaries of State to that Renegado *Harris*, for belying his Country, and bespattering our *African* Company, and the late Publication of *Clarendon's* History of the Rebellion, wherein our Nation in general, and our greatest Families in particular, have not that Justice donethem that they might have expected. Such Practices are no fit Preface to an Union, nor does the suffering of them to pass uncehsured, any way answer that generous Treatment, which the *English* Nation had from us upon the like account; when in the Reign of K. *James VI.* we made an Act, which is the 9th of his 20th Parliament, against scandalous Speeches and Libels reflecting upon the Subjects of *England*, as tending to hinder the Union which was then set on foot.

5. We ought duly to ponder the Cause of Suspicion given us, that our Church-Constitution will be attacked, from that audacious and silly Speech said to be spoke in our own Parliament, by Sir *Alexander Bruce*; and that so much could not be obtained in favour of Presbytery, as to have a Clause inserted in the Union Act for preserving that Government. This may perhaps deserve something more of our Regard, that the Gentleman abovementioned, who
is

is charged with that Speech, is much carested for it by the Highflown Party in *England*, who thought they could do no less than hug him for that piece of Merit; and he hath been thereby emboldened in his printed Case, to accuse the Treasury of *Scotland* as his implacable Enemies, and to have withheld his Debts and Arrears from him, because of his expressing himself against Presbytery.

6. Above all, it ought to be duly weighed and considered, whether by the Treaty of Union, we don't cut our selves off from all hopes of relieving our Country from the Pressures complained of, when we come to make the next Act for settling the Succession.

This ought so much the more carefully to be adverted to, because the Act for abjuring the Pretended Prince of *Wales* was dropped in our last Session of Parliament, contrary to the Minds of most of the Revolution Party; not that I would reflect upon those who opposed it, out of fear that it might pre-engage us too far in the matter of the Succession, and so blast our Hopes from our own Act of Settlement when we come to it; but it is a Caveat for us, to take special Care, that we be not imposed upon by those
who

who are known to be Men of Arbitrary Principles ; for if our Administration should come into such Hands, we have no Reason to expect any good, either from the Treaty of Union, or the *English* Act of Succession ; for if the Anti-Revolution Party should by any Accident get the Civil and Military Power of the Island into their own Hands, they may make her Majesty, whose Title had no other Foundation than the late *K. Williams*, more uneasy than ever they did him ; and if they dare not adventure upon dethroning her, may after her Death at least, send for the Pretended Prince of *Wales*, when they will be sure of a *French* Power to support him.

If this should be the Case, the Union will be so far from being an Advantage, that it will prove a Snare to us, and render us incapable, either of securing a Protestant Successor to our selves, or of assisting our Neighbours in the Defence of their Protestant Line of Succession, as by Law established. That there are sufficient grounds for these Fears, is but too too evident from the Temper which the High-Church Party did formerly discover, by bringing the Duke of *York* to the Throne, tho known to be a Papist and in the Interest of *France* ; and that there is no change
in

in their Constitution is but too evident from the Affection they discover to the Pretended Prince of *Wales*, from their Contempt of the House of *Hanover*, and from the Outrages which they daily offer to the Memory of *K. William*, and that not for his Faults, of which he had his share as well as other Men and Princes, but for his Virtues, and particularly for his delivering the three Nations from that Yoke of Popery and Slavery, which they had wreathed about our Necks by their Administration in the two former Reigns.

These Things make it evident, that it will be the Height of Madness in our Nation to proceed to an Union, except we be secured by way of Preliminary, against all those Dangers which may threaten our Constitution in Church or State, and unless we find a Disposition in the Kingdom of *England* to treat with us on the foot proposed by *K. Edward VI.* before the Union of the Crowns, when we had no Dependance at all upon their Court, nor any relation to their Sovereign. If they refuse us this, then it is plain that they will still make use of that Curb upon us, which we foolishly admitted into our Jaws upon the Union of the Crowns; and this will justify us before all the World, to break off the Treaty, and to postpone the same till

the Determination of the present Entail, which will set us as to that matter upon an equal footing with themselves. In the mean time, our Consent to treat on those Terms, will be a sufficient Evidence of our dutiful respect to her Majesty, who as Q. of *Scotland*, can have no other end but to set us upon an equal level with our Neighbours of *England*, in which if her Majesty do not succeed, yet her generous renewing of so good a Design, tho so often baffled, must at least engage our Nation to requite her Maternal Affection, with all possible Loyalty during her Life, and to entertain a grateful Remembrance of her Reign, when it shall please God to afflict us by her Death.

But if her Majesty shall be so happy as to overcome those Difficulties, which obstructed this Union in the Reigns of her Predecessors, and that *England* be really inclined to treat with us upon equal Terms, then all the beforementioned Causes of Jealousy will vanish of course, and the Treaty of Union may go smoothly on, to the unspeakable Advantage of both Nations.

SECT.

S E C T. V.

I Shall therefore in the next place consider some of the Schemes proposed towards this Union.

For the Project of uniting the Parliaments of the two Nations which some talk of, that must either be done by allowing us a certain Number to represent us in the Parliament of *Great Britain*, or by admitting our full Representative as at present constituted, to join with the Parliament of *England*. If the former, it will be a hard matter to adjust the Number, and to prevail with any of those Lords, Barons and Burgesses, that must agree to this Regulation, to leave themselves out of the Representative; or admitting that to be easily effected, it will be hard to convince the People of *Scotland*, that they can be safe in their Religion and Liberty, if they are to be disposed of by a Parliament wherein the Kingdom of *England* has so great a Majority, since it is evident that near 700, which is the Number of the Lords and Commons of *England*, may easily conclude 40 or 50, which is the highest Number, that those who talk of joining the Parliaments have hitherto proposed

to allow us. For supposing, what is not imaginable, that all these 40 or 50 *Scots* Members should be true to the Interest of our Church and State, and not capable of being debauched from their Duty by Bribes, Pensions or Places, they can be able to do nothing, if 400 of the almost 700 *English* Lords and Commons offer to oppose 'em; and who can assure us that they will not? especially considering the different Constitution of the two Churches, and that besides the Bishops in the House of Peers, all the beneficed Clergymen in *England* have a Vote in chusing Members for the House of Commons, besides their Influence in such Elections where they have no Vote themselves; whereas our Churchmen have no Vote at all in our Elections, nor have or can have any Representative in Parliament. And that we have Reason to be jealous of being in that Case imposed upon by the High-Church-Party, in relation to Ecclesiastical Affairs, and also in regard of our Civil Liberties, which enable us to stand in Defence of our Church-Constitution, is evident enough from the Impositions of that nature upon us in *Charles* the 1st's Time, and his undertaking a War against us upon that account, wherein he was supported and encouraged by the High-Church Party, and therefore
that

that Expedition was called by the Name of *Bellum Episcopale*.

This makes it plain, that if the future Parliament of *Great Britain* shall think fit to do any thing to the detriment of our Church and State, we must be left without Remedy; for if once we surrender our own Parliament, we have no other Representative, but the Number agreed on to represent us in the Common Parliament; and if we attempt any thing contrary to what they and the Prince resolve upon, we must be treated as Rebels.

If it be objected, that the Union will prevent all things of that nature, for then *England* will consider us as a part of their own Body. We answer, what Reason have we to expect that they will use us any otherwise in this Matter, than they do their own Protestant Dissenters, who are actually a part of their own Body, and their natural-born-Subjects? yet we see that it was not only difficult to procure an Act of Toleration for them in the Reign of King *William*, who was their Friend, but it was several times in danger of being attacked by Sir J. P's. Bill, &c. And after all they are still excluded from Places of Power and Trust by the Sacramental Test.

Nor is it to be concealed what Hardships the *Old* and *New-East-India* Companies did successively complain of, according to the prevalency of the Parties, with which the one or the other thought fit to rank themselves; and the known Struggles which are almost perpetual, betwixt those called Whigs and Tories in that Nation, where sometimes the one, and sometimes the other gets the Ascendant in Court and Parliament, is Evidence sufficient of the Danger that we may run by the Union, if we be minced in our Representative. The Fears which some of the *English* Nation have expressed, that an Union with *Scotland*, tho' allowed no more but such a scanty Representative, might cast the Ballance on that which is called the Whiggish Side, or enable the *North* to outvote the *West*, is an evident Proof that our Fears of the contrary as to our Nation, are much more rationally grounded; for should we be allowed any thing less than our full Representation, the Interest of the High-Church-Party in *England*, joined to that of their Way in *Scotland*, might soon prove as fatal to our Religion and Liberty, as it did in former Reigns.

Then

Then on the other hand, if we be allow'd our full Number of Lords and Commons to meet with those of *England*, there will be Difficulties to adjust about the Precedency of the Peers, ours being generally more antient than those of *England*, and esteeming themselves to be Greater Men upon the account of that, and of their numerous Dependants or Vassals, tho they be less in Revenue. The like will happen betwixt our Barons and Burroughs, and their Knights of the Shire and Burgeses, because our Barons are generally Men of antient Family, conceive they had a Right to come to Parliament as well as the Lords, and our Burroughs will have the same Plea of Precedency from their Antiquity. But admitting all this to be adjusted within doors, by assigning those of each Nation a different way of Entrance, and a separate Place in the Houses; this will still give occasion for keeping up a dangerous Distinction, and cannot prevent Disputes upon that head without doors.

But to pass these things as minute Trifles; there is this material Difficulty to be adjusted, that is to say, to have our Barons and Burgeses agree that our Lords shall sit in a distinct House, and have a Negative upon them, whereas in *Scotland* they sit all

in one House, and neither of them have a Negative upon the other; but all is concluded by Majority of Votes. Our Commissioners cannot agree to any Change of this Constitution without expresse Authority from the Prince and Parliament, on pain of High Treason; and since it relates to one of the fundamental Parts of our Constitution, our Barons and Burgesses ought not to agree to it without positive Instructions from those that send them to Parliament as their Representatives: for the advantage which our Lords have over the Commons, by their Superiority over Burroughs, and Gentlemen that are their Vassals, is thought too great already; but if it be augmented by the Supreme Power of Judicature, and a negative Voice in the Legislature, as the Lords have in *England*, it will be increas'd beyond all proportion, which it's scarce to be suppos'd our Barons and Burgesses will agree to, since that were to give away their own Share of the Sovereignty of making Laws, and of being a part of the Supreme Court of Judicature, wherein they have the advantage of the Commons of *England*: and considering that our Great Lords are seldom at much pains to study our Constitution or Laws, and that many of them (when young especially) are so intent upon their Pleasures, that they

they think it a Hardship upon them to endure the Fatigue of hearing a long Cause at the Bar of the House, it may become a general Grievance to the Subjects of *Scotland* to have their Barons and Burgesſes divested of any part of their Right, as Supreme Legislators and Judges.

I know it is objected by the *English*, that to allow us our full Representative, as it stands at present, is too great a proportion, considering that it will much exceed our Quota of the publick Burden, if our Country be tax'd as theirs, according to our Land Rent, and the Valuation of our Stocks. But the Answer is easy, that we are a Sovereign and Independent Nation as well as they, and have the same Value for our Liberty and Property as they have for theirs, and think our present number of Representatives as justly proportion'd to secure ours, as they think their greater Number to be for the Security of theirs, and know no reason why we should abate in that respect any more than they. Besides, our Numbers of People bear a greater proportion to theirs than do our Riches, or our Share in the publick Burdens; and it must be allow'd that People are a more valuable Treasure than Mony and Goods, which is no where in the World that we know of admitted as a proper Medium for adjusting

adjusting the number of Representatives, either in United Countryrs, or in Kingdoms and Commonwealths within themselves. This is evident in the Republicks of *Holland* and *Switzerland*, which being each of 'em compos'd of distinct Provinces and Cantons, that are absolute Sovereigns within themselves; these Provinces have an Equality of Power and Suffrage in the General Meetings or Diets, which relate to the Affairs of the Union, without any respect to their Proportions of Riches, or Share in the publick Taxes: nor is it any where more evident than amongst our Neighbours themselves, otherwise the Citys of *London* and *Westminster*, and the Borough of *Southwark*, ought to have 80 Representatives instead of 8, were Money and Merchandize, and Share in the publick Burdens, the common Medium of proportioning Representatives. So that whatever Equity that Medium may bear amongst Countys and Burroughs of one and the same Kingdom, it can have no place betwixt different Nations, who are equally concern'd in the Preservation of their Honour, Religion and Liberty: and therefore before our Neighbours require this as a Condition from us, it were proper that they should first bring it in practice amongst themselves, and besides enlarging the

the number of Members for their rich Countys, Citys and Towns, they must according to this Principle add to the number of Votes of their rich Lords, by which means the Dukes of *Bedford* and *Newcastle* should have 20 Votes in the Upper House, where other Lords should scarcely be entitl'd to one, and many Towns which now send no Members to Parliament, should send two or three; whereas many that have that Privilege at present, should send none at all. Besides, being the weaker Nation, we are in greater danger of being impos'd upon by them, for the Reasons above-mentioned, than they can be in of being impos'd upon by us; which considering the great Superiority in number that would still be on their side, tho we be allow'd our full Representation, will be simply impossible for us to do, how much soever inclin'd to it.

There are other Difficultys to be adjust-ed, as to the Place where this Parliament should meet. If it must always be at *London*, and in *England*, that would still make us greater Losers by the Union; for whether the Electors bore the Charge of their Members, or that they did it themselves, it would drain the Nation of Money, and be an intolerable Fatigue for such as must come from the North of *Scotland*; and if it should be at *Edinburgh* sometimes, as it were

were but reasonable it should, the Fatigue would be insupportable to those from the West of *England*. So that upon the whole, an Union of Parliaments in either of those Methods would seem impracticable ; and for the surrender of our Courts of Judicature, and altering our Methods of administering Justice, the Consequences would be so pernicious and fatal to the Country, that it is not once to be mention'd.

SECT.

S E C T. VI.

The Plan of an Union upon the foot of Edward VI's Declaration, preferable to all others, and why.

TH E next thing to be discours'd of is the Plan of the Union upon the foot of *Edward 6th's Declaration*, which seems preferable to all others, and is as follows.

1. That the Nations should be united under one Head, in a perfect Equality and Amity.
2. That there be a mutual Intercourse of Merchandize, and all Laws prohibiting the same abolished.
3. That both Nations enjoy their own Laws and Customs.
4. That it may be lawful for the Subjects of either Nation to trade in the other, or the Dominions thereunto belonging, by Export or Import, by Sea or by Land, without paying any other Customs than the Natives.

This

This is the Substance of what that excellent Prince propos'd to our Ancestors towards an Union, and sutes well with the Articles which the Commissioners of both Nations agreed upon in the Reign of King *James* in 1605. as has been already mentioned, and which were ratified by the Parliament of *Scotland* in 1608. on condition that the Parliament of *England* should do the like. So that the Concessions of *K. Edward the 6th*, and such of those Articles of 1605. as sute the present Circumstances of both Nations, are as good a Foundation for a Treaty as any can be pitch'd upon, and may serve as a very good direction for the present Commissioners from *Scotland*, since they were already agreed to by a Parliament of our Nation.

It is humbly conceiv'd that this, or a Plan of this nature, is the only Scheme that can be thought on, which will obviate the Fears and jealousies that either of the Nations may impose upon the other in Matters of Church and State; for this neither requires any Alteration of their present Constitutions, nor is any way introductory to it, and therefore must be allow'd to be the most safe Scheme, and most easily reducible to practice of any that can be propos'd; because there's nothing else requir'd to put it in execution, but an Act
of

of Parliament or two in each Nation without any more Trouble or Parade.

There is no need of disputing which of the Nations shall have the Honour of being nam'd first in Treatys with Foreigners, since all may be transacted, as it has been done already for many Years, in the Name of the Sovereign of *Great Britain*; and for what is transacted at home, each Nation is allow'd to proceed as they do at present in taking to themselves the Precedency in their respective Countrys, which otherwise could not be disputed with *Scotland*, according to the Rules of Heraldry; since it is agreed on all hands, that we are the antienter Monarchy.

This cuts off all Disputes about the Precedency of the *English* and *Scots* Peers, and leaves it to be determined by the Common Rules of Civility in either Nation.

By this means the Dispute about adjusting the Quota of Members which *Scotland* and *England* shall send to the Parliament of *Great Britain*, is cut off, since each Nation is allow'd to retain their own Constitution and Parliament, without any alteration in their fundamental Laws.

This Method does likewise provide against those Contentions and Disputes that

that must have happen'd by cutting off some of our Lords from coming to Parliament, and by divesting some of our Countys and Burroughs of their Right of being represented there.

It likewise prevents the Ruin of many hundreds of Familys in *Scotland* that have all their Dependance upon the continuance of their own Constitution in Church and State; for that Project of Union which was propos'd in the Reign of K. *Charles II**, of surrendring our Parliament, Courts of Judicature, and dissolving the King's Family in *Scotland*, &c. in order to an Union with *England*, would perfectly have reduc'd us to a Province, depriv'd us of all Authority, and increas'd our Poverty, by ruining thousands of Families at once, who depended upon our own Method of Administration in Church and State, and must have oblig'd all the Representatives who should have been allow'd us to attend the *English* Parliaments ever after, and those who had Law Suits to attend their Courts of Justice, which would have vastly added to our Charge, and carried off our Mony, so as it could never have return'd.

* *Discourse upon the Union of England and Scotland, address'd to K. Charles II. March 19. 1664. printed in the Miscellanea Aulica at London, 1702. p. 192.*

That such an Union, or rather Inglorious Submission and Surrender as this could never be practis'd, without a visible force upon us, is evident from the Temper of our Nation in all preceeding Ages.

What else occasioned those fierce Wars which lasted so many hundreds of Years betwixt us, but that we would never submit to be their Subjects and Servants?

What Compensation could they propose to such of our Nobility, Counties and Burroughs, as should by this Scheme lose their Right of coming to Parliament?

What Reward could they propose to those who have Hereditary Offices depending on the Crown of *Scotland*, such as the Lord High Constable, the Earl Marshal, &c.

What Satisfaction could they make to those who have been bred to our Law, and have their dependance upon it?

What Method could they propose to satisfy our Clergy, since all the Presbyterian Ministers have an Aversion, by Principle, to the English Prelacy and Mode of Worship, and since ev'n the most of our Episcopal Clergy could never approve of the English Liturgy and Ceremonies?

But above all, How do they think that the People of *Scotland* in General, would ever part with their Crown, Scepter, Par-

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liament, and other Badges of their Sovereignty, and Independency, and submit to new Laws and new Modes of Religion? Have they forgot that the very attempting of this prov'd fatal to *Charles I.*

It's evident to all Men who understand History and the Affairs of the World, that all great Changes tho ev'n to the better are dangerous; and therefore it must be own'd that the Scheme which will effect this Union with least Trouble and Noise, and most to the Satisfaction of the People is certainly best.

SECT. VI.

Objections against this Scheme, and First that of Religion answer'd.

ALL the Objections that can be proposed against this Scheme on the part of *England* are reducible to this, that there can never be a steady Union where there is a difference in Religion and Laws, and that *Scotland* can propose nothing equivalent to their being admitted to the same Freedom of Trade with the *English*.

To which it may be answer'd, that as to the Matter of Religion, that was made

no Objection by *England* in *Edward 6ths* time, tho theirs was the Reformed and Popery our National Religion, much less ought it to be an Objection Now, when the Religion of both Nations is the same, all the difference being only in the Government and Discipline of the Church and Modes of Worship; and as to the Modes at least, there is as much difference betwixt their own Cathedral and Parochial Worship as betwixt their Church and ours, which makes no breach in the Union of the Church of *England*, tho in one and the same Nation. Nor does it appear that the Indulgence granted by Law to those of our Way in *England*, has any ill effect upon the Peace or Quiet of the Nation; but on the contrary tends to the allaying of those Prejudices and Heats that were formerly so remarkable betwixt the two Parties, and gave such a mighty Disturbance to the Trade and Peace of the Kingdom: Whereas at present there are many Societies in *England* composed of Church-men and Dissenters, who cordially join together in promoting a Reformation of Manners, one of the great Ends of Christianity, and chearfully and readily hear one anothers Ministers on those occasions. Besides the Union betwixt the Cantons of *Switzerland*, tho Papists and Protestants,

stants, is an undeniable Instance that People of different Religions may not only join but keep together in defence of their Common Interest; and why those who differ in Circumstantials only, may not do the same, no Reason can be giv'n, but an unaccountable obstinate Humour in our Hierarchics or High-Church Party, from whom it would seem, that an Inclination of imposing upon all Mankind is an inseparable Qualification.

It is therefore probable that they will insist upon a Surrender of our Church-Constitution as one of the Terms of the Union, or that after the Union they will endeavour its Subversion.

SECT. VII.

Reasons why we cannot readmit Prelacy, and a short History of what we have suffered by it in our Liberty, &c.

THIS we must guard against as we would avoid the destruction of our Country. The Experience of Time past is sufficient to convince us that Prelatical Government will never suit the Genius of our People — The other was inlaid with
our

our Reformation, as is evident from the Acts of Parliament, the Books of Discipline, the Acts of all our Church-Assemblies, and the whole Administration of our Ecclesiastical Affairs, until the time that the E. of *Morton* brought in his *Tulcan* Bishops, and that K. *James 6th* brought them afterwards, *vis & modis*, to have vote in Parliament, &c. as has been already hinted. This is plain to a Demonstration, whatever Archbishop *Spotswood* and others have advanced to the contrary. Let those who maintain that Position, give us the Names of any Protestant Bishop who exercised Episcopal Jurisdiction in our Church, from the Reformation to the Time above-mentioned, if they can. Their Sophistry that our Superintendents were in any sort Bishops in their Sence, is so weak that an ingenious School-boy would be asham'd of it, had he but ever read the Book of Discipline, where their Power and Office is treated of and laid down: Besides the Practise of our own Prelatists absolutely destroys this Position, what need was there else that they should send their first Protestant Bishops of the Prelatical Stamp to receive Consecration in *England*? And why should Bp. *Andrews* of *Ely* question the validity of their Ordination as Presbyters, had Episcopacy been conti-

nued in our Church at the Reformation? This alone is enough to overturn all that Dr. *Monro* and others advanc'd, in their late Libel, call'd *The Fundamental Charter of Presbytery Examind*. But those who have a mind to be further satisfied in that Point, may see the matter fully discussed in Mr. *William Jameson's Nazianzen's Querela*, Sect. 8. In the mean time its fit to acquaint the Reader that the Popish Bishop *Lesly*, in the first Book of his History, p. 65. exclaims with Lamentation, after he has given a Catalogue of *Scots Bishops* famous for Learning and Piety, *Sed (proh dolor) omnia jam harefts vesana longe lateq; occupat; tantamq; tanti Ordinis in Scotia Majestatem delevit, potestatem extinxit, Commendationem evertit*. We cannot desire a fuller proof than this, that our Reformers abolish'd the Order and Power of the then Bishops, and that they designed not to set up any other in their stead, is evident from Matter of Fact; for tho several Bishops, Abbots and Priors abandoned Popery, and joined with the Reformation, as is own'd by *Spotswood* in his History, yet they were allow'd no Ecclesiastical Jurisdiction, nor had we any thing like a Protestant Bishop till 12 Years after, that the E. of *Morton* brought in his *Tulcans*, who were meer Nominal Bishops, and

and made Simonaical Contracts with him and others of the Nobility, who they were willing should enjoy the Revenues of the Church, whilst they themselves had the empty Title, and some more Allowance than other Ministers: Nor was this done by Authority of Parliament, or General Assembly, but meerly by a Court-Trick, and was speedily after declared against and condemned by our Church in her General Assembly, as she had done before in 1566, when in a General Assembly at *Edinburgh*, — The *Helvetian* Confession was approved, all but in so far as related to Holy-days, and it's well enough known that in that Confession, all Ministers in the Church are asserted to have one and the same Power or Function, and that in the beginning Bishops and Presbyters rul'd the Church in Common.

This, with what has been said before, is enough to shew upon what Accounts, and by what Means Bishops were first impos'd upon us after the Reformation, and how insolently they behav'd themselves, till the Nation was forc'd to expel them in the Reign of K. Ch. I. has been said already, and for what Ends they were reintroduc'd, and how they behav'd themselves, both in Relation to Church and State after the Restoration of K. Ch. II. is so plain and evident, that their Memory

mory ought for ever to be hateful to all that love their Country. But to make this more evident, take the following History of what we suffer'd by them in our Liberty, &c.

They could not be reintroduc'd till the Noble Frame of our Civil Constitution was overturn'd by the first Session of the 1st Parliament of K. Ch. II. who being a Pack'd and Mercenary Club, did so far forget themselves and the Honour of the Nation which they pretended to represent, that they made a base Surrender of all those *Jura Majestatis* in which the States of Scotland in all preceeding Ages had been Joint Sharers with their Sovereigns; as chusing the President of Parliament, Officers of State, Privy Councillors and Judges, calling and dissolving Parliaments, making Leagues, and making Peace and War, &c. and that too by asserting falsly in the Preambles to the respective Acts, abolishing those Privileges of Parliament, that they were the undoubted and inherent Rights and Royal Prerogatives of the Crown, tho our old Acts of Parliament, especially those called the *Black Acts*, and all our old Historys of any Note, make the contrary evident. But the Influence of the Court of *England*, of which this was one of the most fatal

fatal Effects that ever our Nation felt, was such, that our Country was forc'd to submit to this intolerable Rape upon her Honour and Freedom, and the Faction, that they might diffuse the Slavery thro' all the parts of our Constitution, made another Act, obliging all Persons in Publick Trust to take the Oath of Allegiance, to acknowledge and assert all this to be the Right and Prerogative of the Crown, and to promise to maintain His Majesty in this Jurisdiction.

The Prerogative of the Crown being thus exalted, above what ever any of our former Kings did pretend to, the Restoration of the Mitre was thought necessary to support it ; and therefore by the first Act of the next Session, Arch-bishops and Bishops were restored, and that they might know their Dependance upon the Court, and the Necessity of their being Obsequious Tools, the *Jus Divinum* of their Constitution is surrendred in the Threshold, and the *Jus Regale* of it asserted ; for in the Preamble of the Act, the ordering and disposal of the External Government and Policy of the Church, is affirm'd to be an Inherent Right of the Crown, by Virtue of his Majesty's Prerogative Royal, and Supremacy in Causes Ecclesiastical ; but instead of this, our
Prelates

Prelates were gratify'd with a few smooth Words, their Order was in the same Act call'd Sacred, and their Form of Government most agreeable to the Word of God; so that the Judicious Reader is at Liberty to consider, whether this Act did not favour both of Blasphemy and Contradiction; for if Episcopacy was most agreeable to the Word of God, and the Order Sacred, his Majesty could have nothing to order or dispose about it, which was a Contradiction to the Act, or if they say he had, they advanc'd his Power above that of the Almighty, which was Blasphemy. Yet upon this tottering and rotten Foundation, was our Scots Prelacy rebuilt; And that our Religion, or the Security of it at least, might be intirely at the Devotion of the Court and their Bishops, It was enacted by the same Statute, That whatsoever shall be determined by his Majesty, with the Advice of the Arch-bishops and Bishops, and such of the Clergy, as shall be nominated by his Majesty in the External Government and Policy of the Church (the same consisting with the standing Laws of the Kingdom) shall be Valid and Effectual: And by that same Act, "they rescinded
 " all such Laws which may be interpreted to have given any Church-Power,
 " Juris-

" Jurisdiction and Government, to the
 " Office-Bearers of the Church, other
 " than that which acknowledgeth a De-
 " pendance upon, and Subordination to
 " the Sovereign Power of the King as
 " Supreme: Which is another Blow at
 the divine Right of Prelacy.

But this was not, thought sufficient to
 possess the Court with an absolute Power
 in Matters Ecclesiastical; therefore by the
 first Act of the 2^d Parliament of K. Ch. II.
 the Earl of *Lauderdale* Commissioner, It
 was enacted, " That his Majesty had the
 " Supreme Authority and Supremacy o-
 " ver all Persons, and in all Causes Eccle-
 " siastical within this Kingdom, and that
 " by Virtue thereof, the ordering and
 " disposal of the External Government,
 " and Policy of the Church, doth proper-
 " ly belong to his Majesty, and his Suc-
 " cessors, as an Inherent Right to the
 " Crown, and that his Majesty and his
 " Successors, may settle, enact, and limit
 " such Constitutions, Acts, and Orders,
 " concerning the Administration of the
 " External Government of the Church,
 " and the Persons imployed in the same,
 " and concerning all Ecclesiastical Meet-
 " ings and Matters to be propos'd and
 " determin'd therein, as they in their
 " Royal Wisdom shall think fit; which
 " Acts,

“ Acts, Orders and Constitutions, being
 “ recorded in the Books of Council, and
 “ duly publish’d, are to be observed
 “ and obeyed by all his Majesty’s Sub-
 “ jects, any Law, Act or Custom, to
 “ the contrary notwithstanding.

So that here’s a Surrender at once of
 our Religion and Liberty, by the Influence
 of the Prelates and their Party : And
 in the 2^d Act of that same Parliament,
 there’s a perpetual Establishment of 22000
 Horse and Foot for the Maintenance of
 this Tyranny over Church and State ; and
 this we were not so much as allow’d to
 Petition or Remonstrate against, or to re-
 lieve our selves in time to come against
 such Oppressions, by proposing Limitati-
 ons to any future Successor ; for all this
 they had got declar’d to be Treasonable,
 or Unlawful and Seditious, in the 2^d Act
 of that same Parliament, intituled, *An*
Act for preserving his Majesty’s Person,
Authority and Government ; and by the
 4th Act, a Declaration was impos’d upon
 all Persons in Publick Trust, That the
 Leagues, Covenants, Petitions, Protestations,
 and erecting Council Tables in the
 late Times, were unlawful and seditious,
 tho the States of *Scotland* had justified
 those Proceedings to be according to Law
 in their Publick Papers, and that the same
 were

were ratify'd afterwards both by K. *Ch.* I. and II.

And to cut off all hopes of Redress by any future Parliament, the illegal Method of electing the Lords of the Articles begun by the Bishops, as was formerly mentioned in the Reign of K. *James 6th.* was establish'd by the first Act of the third Session of that Parliament, which was as much as could be done to perpetuate our Slavery.

It is not to be pass'd over in silence, that the Foundation of this new Method of Government in Church and State, was cemented by some of the best Blood in the Veins of our Nation, to wit that of the Marquiss of *Argile*, who was barbarously murder'd by shadow of Law, contrary to all Justice, because he was a Person of great Authority, Piety and Parts, tho he had Crown'd K. *Ch. II.* with his own Hands, and strenuously oppos'd the Usurpers, whilst there was any Party in the Nation to make head against them; but being a perfect Enemy to this New Model of Arbitrary Government, there was a Necessity to take him off; for being a Subject of the greatest Quality and Power in the Kingdom, his Opposition would have put a mighty stop to their Proceedings. The next was Mr. *James Guthrie*, one of the ablest

ablest and most noted Ministers in *Scotland*; who had the Courage to oppose the Usurper, and to confound his Chaplain *Lockier*, and others in publick Disputations, in defence of the King's Right, and the Presbyterian Constitution; yet his Blood must be a Sacrifice to the Kings new Supremacy, or Civil Papacy over the Church, which he vigorously oppos'd; and not long after fell by the same Hands, the Lord *Wariston*, Sir *Archbald Johnston*, one of the greatest Men ever our Nation bred, being a Prodigy of Parts, a Gentleman of transcendent Piety, who had fill'd the chief Posts in our Law, and signaliz'd himself by his advantage over the English in all their publick Debates about taking off *K. Ch. I.* and dethroning *K. Ch. II.* but being a Patriot of the first Rank, and having produc'd in Parliament the Vouchers of our Antient and Noble Constitution, when he was Lord Register: It was not fit that so able an Advocate against Arbitrary Power, should live; and therefore after the Court had hir'd one to poyson him, and to deprive him of his Senses, by taking 60 Ounces of Blood from him, during his Retirement at *Hamborough*, which did so break his Memory, that he did not know his own Lady and Children, or remember that he had

had ever been married: They condemn'd him to die notwithstanding; but God in his Mercy, restor'd him to his Memory and Senses the Night before his Execution; so that he died a glorious Martyr for the Religion and Liberty of our Country. Thus did the Court of *England* think fit to treat that Party who had stood up for the Royal Line, and our Legal Monarchy, because they would not fall in with the Arbitrary Courses then on foot, whilst they advanc'd to the highest places in Church and State, those that had abjur'd the Royal Family, and complied throughly with the Usurpers, but had now made an Atonement by their Concurrence, to support the new and unlimited Prerogative.

The King being vested with the Ecclesiastical Supremacy above-mention'd, did by Proclamation alone, turn out all Ministers that did not comply with these New Methods of Government in Church and State; but the People, especially in the *West of Scotland*, being Presbyterians by Principle, and looking upon Prelacy to be contrary to the Word of God, and conceiving themselves oblig'd to adhere to their own Ministers, and to regard those impos'd upon them to be Intruders, they separated from the establish'd Form: Besides

sides these Objections from Topicks of Divinity, they had others resulting from those of Policy ; as that the Parliament which overturn'd their Constitution, was neither free in its choice, nor allowed freedom of debate, which together with their acting in those things, not only without Instructions from the people, whom they represented, but contrary to their Mind, and their own Liberty, being also taken away by the Lords of the Articles, their very Essence as a Parliament was destroy'd. To this they added, That Presbytery and the Priviledge of Parliament being made the *Basis* of Government in Church and State by the People of *Scotland*, who got them both restor'd by *Charles I.* and sworn to by *Charles II.* before he accepted the Crown ; And the whole Nation being oblig'd to maintain them, by the League and Covenant so solemnly sworn to God, they thought no Humane Power could absolve them from that Oath ; the matter of which they conceiv'd not only to be lawful, but antecedently obliging.

These Principles being indeed inconsistent with that sort of Monarchy which the Court of *England* had *vis & modis* got obtruded upon us, they proceeded to obtain such Acts as might enforce a Relinquishment

ment of 'em, and a Compliance with those which were proper for the then Measures of Church and State. It's easy to imagine that this could not be effected without Violence, which was made use of to the highest degree, and in the most barbarous manner that could be thought on, not only by a rigorous Pursuit of the Noncompliers, according to the establish'd Acts, but likewise by Military Execution, robbing the poor People of all they had, and abusing their Persons in the most brutish and cruel manner, making a Mock at the same time of every thing that look'd like Religion. This incens'd the People in the West of *Scotland* so much, that a handful of them imprudently took Arms in 1666, to present a Petition to the Council for redress of their Grievances, and being defeated by the Kings Forces, many of those taken were cruelly executed, contrary to the Generals Parole and Quarter, but they behav'd themselves so much like the Primitive Martyrs at the place of Execution, that it tended much to the Credit of their Cause, and to the Discredit of that of their Enemies and Persecutors: For every one could see a visible difference betwixt the Sufferings of those Men and of Mutineers or Rebels; the Characters of Primitive Christianity were so legible in their Behaviour

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viour and dying Speeches, as made it evident, that they and the first Confessors and Martyrs were acted by one and the same Spirit: And such of the Ministers as were scatter'd up and down the Nation by this Storm, were so visibly blest of Heav'n, in reforming Multitudes of People by their Sermons and Conversation, and the Divine Influence did so evidently accompany their Indeavours, that none but Men of such Tempers as denied the Evidence of the Truth, which shone so bright in the Sermons of the Apostles, and the other first Preachers of Christianity, could dispute the Seals of these Mens Apostleship; whereas we hear of no such thing attending the Ministry of such as were turn'd out at the Revolution, for adhering to the late King *James* and the Bishops.

The Success of those Presbyterian Ministers was so great, that their Auditories grew numerous, which alarm'd both the Court and the Prelates; and therefore new Laws were multiplied against them, by which being made incapable of meeting in Houses, they were forc'd to the Fields, their Assemblies there were called Rendezvous of Rebellion, and prosecuted as such by Armed Force, the Soldiers fired sometimes upon the poor unarmed Multitude, by which several of the People were kill'd.

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Notwithstanding this Opposition, the Meetings increas'd both in Number and Reputation, so that the Churches of the Episcopal Ministers, in most places on this side *Forth*, and likewise in *Fife*, were but ill frequented; the Court and the Bishops did all they could to crush them, and amongst other Methods, they press'd a Bond of Conformity upon the Subjects, wherein every Subscriber was bound for Himself, Wife, Children, Servants and Tenants, to frequent their Parish-Churches, and never to go to those Meetings, nor entertain any that went; so that they were not only obliged to turn out their own Relations, Tenants and Servants, but also to inform against, pursue, and deliver up all Vagrant Preachers to Trial and Judgment: And to force this Bond upon the Country, they brought down upon the Western Counties 10 or 11000 Savage Highlanders, whom they joined with the Standing Forces, tho in a time of Peace; to impose this Bond upon the Nobility, Gentry and People, on pain of Military Execution, as Free Quarter, Plundering their Houses, and Driving their Cattle. They disarm'd the whole Country; the D. of *Hamilton*, E. of *Cassils*, and others of Quality not excepted; put Garisons in Gentlemens Houses, and levied Monies for their Maintenance

tenance, without Authority of Parliament or Convention. They forc'd Noblemen, Gentlemen, Farmers, Labourers, and others from their Habitations, and the E. of *Cassils* in particular, one of the ancientest Peers in this Kingdom, was denounc'd Rebel, for refusing that Bond, and oblig'd to have recourse to the K. for Relief; nor would D. *Hamilton* in all probability have escaped better, though descended from the Blood-Royal himself, and his Dutcheſs the first Princess of the Blood in *Scotland*, had not the great Interest he had acquir'd in the Nation made it dangerous to provoke him too much in such a Juncture, when the Parliament of *England* became severe upon the Court, on account of the Popish Plot.

By these methods the Country was so wasted that a Famine ensued for want of Cultivation. Yet the Court was resolv'd to go on, promised great Rewards to such as would bring in Mr. *Welch* and other Ministers dead or alive; abundance of those that frequented Meetings and were most zealous that Way, were intercommun'd, so that it was Penal for any Person to entertain them; Troops were employ'd on purpose to suppress those Meetings, and to hunt after the Ministers and others; multitudes were shut up in Prisons, and their Substance being wasted before-hand, by
their

their forced Absence from their Business, they became a Burden to others of their own Way, who were oblig'd to maintain them: Many were sold to Foreign Plantations for Slaves, and to Foreign Captains for Soldiers. A Tax was laid upon the Country by a pack'd and overaw'd Convention of Estates, to maintain Forces for suppressing those Meetings, and the cause of it being express'd in the Narrative of the Act, it minister'd occasion of Scruple to all Presbyterians and their Friends; so that many Gentlemen and others suffer'd extremely for refusing to pay it. Being supplied with Money the Court went on with new Vigor, to suppress the Meetings, the Souldiers had Orders to fire upon them, and this oblig'd such of the People as had Arms, to bring them in their own Defence; upon this several Skirmishes ensued with various Success, betwixt the Forces and the Meeters, and great numbers of the latter being thus made liable to Death, by the unjust Laws then enacted, they kept together in small Parties, and went from Meeting to Meeting. *Graham* of *Claverhouse*, afterwards Viscount of *Dundee*, was one of those who harass'd the People with most Violence and Barbarity, he assaulted a Meeting at *Drumclog* in the West of *Scotland*, where his Troops were routed, about

30 or 40 of them kill'd, and he himself narrowly escap'd. The People who had done this, knowing themselves to be dead Men if ever apprehended, resolv'd to keep together, and this brought on a Rebellion which the Court had so long endeavour'd, that they might thereby have an opportunity of further oppressing the Country by a Standing Army. This was that Insurrection known by the Name of *Bothwell-Bridge*, which *Lauderdale* call'd a bless'd Rebellion, because it gave him and the Court-Faction a handle to compleat the Slavery of the Nation, which that Gallant Prince the late D. of *Hamilton*, the late Marq. of *Tueddale*, the E. of *Cassils*, the present Lord Chancellor the E. of *Marchmont*, and others of the Nobility and Gentry had strenuously oppos'd in Parliaments, Conventions, and by several Journies to Court, tho without any other effect than endangering themselves. This Insurrection at *Bothwell*, tho earnestly endeavour'd by the Court in manner as above-mentioned, was like to have been of dangerous Consequence to them, and had certainly put a final period to their Arbitrary Administration in Church and State, the numbers of the Malecontents were so great, had it not been for the wild Humours of those call'd *Cameronians*, who being render'd,

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mad by Oppression, divided 'em; and none of the Nobility, or Men of Conduct appearing at their Head, both these together made them a Prey to the Enemy: So that about 300 were kill'd in the Field, 1100 were taken Prisoners who were barbarously us'd, and 300 sent away by Sea, and by the brutish Cruelty of the Captain all of 'em but 50 were drown'd. This was an universal loss to the *Nation*, for not only the Families and other Relatives of those People suffer'd, but all those who had any Dealings with them, as Landlords, or others, and the Country lost the benefit of their Industry and Propagation.

These were not all the bad Consequences of this unhappy Business; for those who escap'd by Flight, were forc'd to hide, and so became a further Burthen to their Friends, who could not in Conscience or Charity, suffer them to starve, but must provide them with Necessaries, which was as bad as a Tax upon the Country. And the Court being resolv'd to improve this Disaster to the utmost, appointed their Circuits to go through the Kingdom, to enquire after all those who had been actually in this Insurrection, that had given any Assistance to those that were, or that had not attended the Kings Host against 'em; by this means the Country was univer-

sally oppress'd, and became a perfect Theatre of Woe and Calamity : — Men of Estates were involv'd in Troubles and Perplexities, and in danger of their Lives for conversing with their own Tenants, if suspected to have been at that Insurrection, tho it were but to demand their Rents from them.

To consummate our Miseries, the D. of York, tho in danger of being excluded from the Crown of *England*, upon the Account of his Religion and Concern in the *Popish Plot*, was sent down to give the Finishing Stroak to Tyranny and Arbitrary Power in *Scotland*. To this end he was, by his Brothers Order, admitted a Member of the Privy Council, without taking the Oaths appointed by Law ; and in the same manner was afterwards made Commissioner, to represent him in Parliament, where that Self-contradictory Test was fram'd. For opposing these Methods in Parliament the Lord *Belhaven* was imprison'd ; and for explaining of this Test, the Earl of *Argile*, one of the best and greatest *Peers* in the Nation, was condemn'd ; and for refusing of it, the best of the *Episcopal Clergy* were turn'd out ; for tho the generality of that sort of Men, had not only concu'd in all those Tyrannical Methods formerly mention'd, but

but were the chief Instruments in advising and procuring them; yet to give them their due, there was a Party among them of more moderate *Principles*, who disliked the extravagant Power of the Bishops, and therefore pleaded for a Convocation; and, perceiving now what the Court and their Bishops were driving at, would rather turn out than take the Test.

This Tyrannical Method of Administration gave a general Disgust to all those who had any regard to the Protestant Religion and Humane Liberty, and put some People of Quality with us, as well as in *England* upon thoughts, how to prevent the ruin of both. This was branded with the odious Name of a Plot against the King and Government; and upon that Account, several Gentlemen were forc'd to flee, many were forfeited; and that never to be forgotten Patriot the Laird of *Ferriswood*, was inhumanly murdered by a Shadow of Law, being tried and executed all in one Day.

These extravagant *Proceedings* of the Court against the *Presbyterians*, together with the avowed and open Impiety of those that were chiefly made use of to oppress them, and the visible Encouragement given to *Papists*, strengthen'd the
Came-

Cameronians in their extravagant Opinions, as that they ought not to own the King, nor any having Authority under him, because he and they had broke the Coronation Oath, had tyrannically overturned the Constitution both of Church and State, and acted so unlike either Men or Christians, that they could not think their Administration to be such a Magistracy or Ordinance of God, as the Apostles commanded us to obey, and therefore those poor oppressed handful of people, most of whom were incapable of distinguishing betwixt a Magistracy lawfully invested with their Authority, and their abuse of that Authority, run into the foolish extreams of taking upon themselves the *Supreme Power* of Church and State, and formally in their way, to exauctorate and excommunicate the King, D. of York, &c. wherein it is no ways impossible, but they might be acted by *Popish Agents* behind the Curtain, as were the handful of Fifth Monarchy Men in London, whose Attempt of taking Arms was equally ridiculous, but both of 'em of use to the Court, to bring an Odium upon all those that oppos'd their Designs in a legal and rational way. And indeed our *Scots Court* made such an Improvement of this Procedure of the *Cameronians*, that they made a handle

handle of it, to possess themselves of a *Power*, to take up and examine whom they pleas'd upon such Questions as they thought fit, to force people to tell them their thoughts of the Insurrection at *Bothwell*, of the *Cameronians* Declaration to dethrone the King, and of their excommunicating him, &c. and whether the King ought to be King or no, and if they did not give positive Answers, such as pleas'd the *Examiners*, they were in danger of their Lives; for if they added such Restrictions or Qualifications as these, That *they own'd all Lawful Authority, or Authority according to the Word of God*, or if they refus'd to give their thoughts, as being subject to no humane Jurisdiction, they would punish them as Traytors, and frequently condemn and execute them in one and the same Day, besides many People that they murdered in Caves, Dens, and the Fields where they retir'd to hide themselves. These Methods did so provoke that poor enraged Party, that they affix'd Papers to Church Doors, and elsewhere, call'd an *Apologetical Declaration*, threatening to give the Soldiers, who so barbarously pursued them, the same Treatment whenever they had an opportunity, and tho all wise Governments, who value the Peace and Lives of their Subjects,

jects, would in such a case have endeavour'd to reclaim such a distracted People by fair Means and Proffers of Indemnity. Our Court went on to oppress the Country on this occasion with more Fury, and press'd an Oath to abjure this foolish Declaration universally upon Pain of Death, gave the Soldiers a Power to impose it upon all that they found travelling on the Roads, and immediately to kill those who refus'd it. None were suffer'd to travel about their ordinary Affairs without a Pass, signifying that they had abjur'd that Declaration; and Hostlers and Inn-keepers were empower'd to impose an Oath upon all Travellers, Gentlemen, and others, that their Passes were not forg'd; and those who refus'd it, were immediately carried to Execution, and chiefly in the Mornings, that the People might not be able to prevent such bloody Cruelties. This was the Conclusion of King Ch. II's Reign in *Scotland*; which, by the Country People, was called the *Killing Time*.

When King *James VIIth.* ascended our Throne, those barbarous and tyrannical Methods of Administration were according to his Brothers Method, justified by Posterior Laws, and the Practise of killing being thus authoriz'd, Our High-flown
Hierar-

Hierarchicks, and their Brethren the Papists, were glurrted daily with such pleasant Sacrifices; for they were now impower'd by a Law, such as it was, to kill all that were found at Field-Meetings, and in Houses none were allow'd. Soon after this, happen'd the *Earl of Argile's* unfortunate *Expedition*, which heightened our Misery to a further degree; but the Court having got a Surfeit of Blood by that, and the like unsuccessful Attempt by the Duke of *Monmouth* in *England*, they thought fit to change Measures; and instead of taking our Religion and Liberties by Storm, resolv'd to undermine them by a Toleration; and under this Pretext, exalted the Prerogative above all our Laws, which they annull'd and revok'd at pleasure, and in this our Bishops concurr'd with him. These were the bless'd Fruits that our Church and Country did reap from the two *Editions* of our *Protestant Prelacy*, viz. that introduc'd by King *James VI.* and that which was reintroduc'd by King *Charles II.* by which we lost more Lives, and suffer'd more Persecution upon the Account of Religion, and had greater Invasions made upon our Liberty and Property, than for any thing that appears by History, we suffer'd at our Conversion from Heathenism to Christi-

Christianity, or at our Return to the *Pu-
rity* of Religion, by our Reformation from
Popery. The Cause of which is, That
in both the former Conversions, we were
a free and independent Nation ; Our
Barons and *Parliaments* had so great Pow-
er, and there was so much of an *Aristo-
cracy* interwoven through our whole Con-
stitution, that our *Princes*, how inclina-
ble soever to oppose us in that Matter, had
not power enough to do it ; and whenever
they made the Attempt, it concluded in
their own ruine ; whereas, since the Uni-
on of the Crowns, that our *Princes* are
possess'd of other Dominions which do so
much exceed us in Power, we have not
been able to withstand their Designs, ex-
cept when *England* concurred with us be-
cause labouring under some of the same
Grievances, as in the Reign of King *Ch. I.*
and at the late *Happy Revolution*.

The Case being thus, we hope our
Neighbours will not insist upon it as one
of the Terms of the Union, that we should
again readmit Episcopacy ; had they suf-
fer'd as much by it as our Nation has done
they would be as little fond of it as we.
They have no reason to attempt it in fa-
vour of those of that Way in *Scotland*, for
the Acts of Parliament above-mentioned of
their own proposing, and wherein their
Bishops

Bishops concurr'd, gave up the *Jus Divi-*
nium of Church-Government, and transf-
 er'd it into a *Jus Regium*, which shews
 that they cannot pretend now to make it a
 Matter of Conscience; and therefore it
 can be nothing but unaccountable Obstina-
 cy for them to prefer their Humour in this
 Matter to the Welfare of the Nation, so
 great a part of which is Presbyterian by
 fix'd Principle, because they conceive that
 sort of Government to be of Divine Insti-
 tution, and that they are oblig'd by Nati-
 onal and Solemn Oaths to oppose any other
 Form in *Scotland*. That they will be ready
 enough on all Opportunities to do so, is
 evident from the Instances already ad-
 duc'd, and by their throwing out the Pre-
 lates at the time of the Revolution, as the
 great and insupportable Grievance of the
 Nation, which the Treatment we met
 with on their account and by their means,
 as already hinted, will for ever justify
 before all Mankind.

This is sufficient to demonstrate, that
 Prelacy can never be reintroduc'd into
Scotland without Blood, that it can never
 be continued here without Tyranny and
 Oppression, that such Tyranny and Op-
 pression will provoke the People to the
 same Disorders, as those before mention'd,
 that there will be a Necessity of Standing
 Forces

Forces to prevent those Disorders, that those Standing Forces will be inconsistent with the Liberty of the People, and Freedom of Trade; and it being sufficiently known, that the Presbyterian Part of the Kingdom, is that which has the most Trade, and is most inclinable to it; the natural and plain Consequence is, that the Reintroduction of Prelacy must be destructive to the Nation.

Besides, it can never be executed without the Concurrence of the Court, and the Assistance of *England*. If the Court offer it, their Title to our Government will become liable to the same Objections, as was that of *Charles II.* and *James VII.* after the former had broke the Coronation Oath, to continue Presbytery, and that the latter had overturn'd those very Laws which gave him a Right to the Crown. If *England* should assist in the Design, it will eternally foreclose all Hopes of an Union without a Conquest; and the very thoughts of a Conquest, must unavoidably force us to seek new Alliances for our own Preservation; and therefore it's hop'd that our Neighbours will not at such a Juncture as this, oblige us to such Measures.

It is not to be suppos'd, that the Presbyterians of *Scotland* who have smarted so severely under our two Sets of Bishops
above

above mention'd, will ever quietly readmit that Order into the Nation. It's known, that they always blam'd themselves for submitting to it in *Charles II's* Reign; And his 2^d Edition of Bishops, as we have heard already, did not behave themselves so well, as to make the Presbyterians, or the Nation, fond of venturing on a 3^d Edition.

It is moreover to be observed, That the Bishops now contended for, are not such as have any Pretence to Divine Institution; for those who run highest on that Head, plead only for such a Bishop as is Superior, in order to a Presbyter, has the Sole Right of governing the Presbyters of his Diocess, and the Sole Power of Ordination and Discipline; but none of 'em would ever adventure to say, that Bishops have a Divine Right to be Temporal Barons, Lords of Parliament, Members of Privy Councils, Lord Chancellors, Lord Keepers, or Lord Treasurers, or to a Power to hold Courts for inflicting Secular Punishments. This is own'd on all Hands to be meerly Humane, and therefore alterable, as Nations see Cause; and that we in *Scotland* have seen cause enough to divest 'em of all Temporal Power and Honours, has been made so evident already, that there needs no more to be said of it. With us

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the Temporal Power, Honour, and Order of Bishops, was never design'd, or made use of for any other End, but to support the Arbitrary Power of the Prince, who has acquir'd more over us already, since the Union of the Crowns, than ever our Ancestors thought fit to entrust with a single Person ; so that we have no need of Bishops for Tools to wreath the Yoke harder about our Necks ; and that Bishops in *Scotland* can serve for no other Use, is evident from this, that their Order never was, nor ever can be grateful to our Nation ; and therefore as they ever did depend upon the Prince, they must still continue to do so, and this makes them naturally Slaves to the Court, and proper Instruments to make use of their Authority in the Parliament and Church, to enslave the Nation ; which we have found twice to our Cost, and therefore should be very impolitick to venture upon a third Experiment.

If it be propos'd that we should admit them only in their *Ecclesiastical Capacity* without being Temporal Barons, Members of Parliament, or of any other Secular Court, the Answer is at hand : We have tried them in all their real or supposed Species from the *Episcopus Princeps*, to a meer Court Chaplain, and ever found them a Grievance to the Nation. We

We had Superintendants at first to take care of the Affairs of Religion, because we had not Qualified Men enough to supply all our Churches, and tho they were of no superior Order to that of the Common Presbyter, yet we found they began to assume too much, and therefore laid 'em aside. The E. of *Morton* did fraudulently impose *Tulcan*, that is Calf-skin or meer Nominal Bishops upon us, who by Simoniackal Contracts suffer'd him and others of the Nobility to enjoy the Revenues of the Church, whilst they had only the Title, and something more than an ordinary Power and Allowance. This Sort we found intolerable, and sent them likewise a Packing. We had afterwards another Sort, who were to sit in Parliament to take care of the Affairs of the Church, without whose Commission they were to do nothing; but we soon found that the Court made Tools of them to overturn both Church and State, and therefore we sent them a going after their Predecessors — The Court chang'd Hands again, and brought in another Sort, under the Notion of Constant Moderators, with Oaths and Asseverations that they had no design to bring in the English Prelacy, and these were made Stalking-Horses to paum upon us the First Edition of Protestant Lord

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Bishops;

Bishops; and what Advances those Men made towards making us Slaves and Papists, we have heard already from Dr. *Burnet's* Memoirs of the House of *Hamilton, &c.* And for those of the Second Impression brought in by K. *Charles* the 2d. they managed the point for *Rome* and *France* so well, and had carried on their Interest so far, that they settled a Popish K. upon our Throne contrary to Law, and invested him with such an absolute Power and uncontrollable Authority as overturn'd all our Laws; and therefore at the Happy Revolution we forfeited both him and his Bishops.

In K. *William's* Reign we had none of that Sort, but could not tell how to deny his Majesty 2 or 3 Chaplains, what use was made of them to influence our Church to comply with the Court to the prejudice of the State, in the Affair of the Standing Army and *Darien* Colony, I leave to others to determine, but should be heartily glad to see a fair Vindication under the Hands of those that have been so foully aspers'd, if all that was said in that Matter be nothing but Calumny. But however that is, this we are sure of, that it is as blameable in Presbyterian Ministers to leave the Exercise of their Function, and attend upon Courts, or to meddle with secular Affairs,

fairs, as it is for any Bishop or Primate, nay a great deal worse, because it is contrary to the Principles which they always profess'd: And therefore I cannot see what Apology can be made for Mr. *Alexander Henderson* who signed Papers relating to Military and Secular Affairs, together with the Commissioners from the State, in the Reign of K. *Charles* the First, or what is to be said in Defence of any other Minister since, that makes such kind of Business any part of his Province.

It is unjust for us to allow in our Selves what we condemn in Others, for in so doing we destroy by Example what we build by Doctrine. We have always reckon'd it a just Exception against our Bishops, that they affected Temporal Pomp and Honour, and far as Judges in Parliaments, Councils, and other Secular Courts; we held that to be inconsistent with their Character, as Ambassadors of our Lord and Saviour, who so solemnly declared that *His Kingdom was not of this World*, who would not take upon him to judge any Secular Controversy in his own Person, and who never allow'd it to his Apostles.

They who were his first and immediate Ambassadors, who were perfectly instructed in his Will, and understood the full

Latitude of their Commission, have left it behind them in the Sacred Records that their Business was to intreat Men to be reconcil'd to God; they judg'd it unmeet for them, so much as to attend upon Works of Charity, far less to be Lord Almoners, or Lord Treasurers; and therefore appointed Deacons to take care of the Churches Poor. They knew the Dignity and Importance of their Spiritual Character so well, that they would not debase it or hinder the exercise of it, by being occasional Judges of Civil Controversies, much less Lord Chancellors, Lord Keepers, or constant Attendants upon Parliaments and Privy Councils; and therefore ordered that those who were least esteemed in the Church should be appointed to decide Civil Controversies amongst Fellow Christians. The Reason of this is plain, they had work enough of their own, for which they knew that no mortal was sufficient, *viz.* to divide the Word aright, to be instant in Season and out of Season, to reprove, rebuke, exhort, to watch over the Flock committed to their Charge, to declare to them the whole Council of God; to be faithful Stewards of the Mysteries of the Gospel; to give themselves continually to the Word and Prayer. This being the Duty
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of Bishops, the Apostle might well cry
 that is sufficient for the discharge of
 that Office. Yet ours who pretended
 to succeed the Apostles, did it seems
 think themselves more than sufficient,
 since they undertook the Cure of so many
 hundreds of Churches, and at the same time
 attended Parliaments, Councils, Courts
 of Princes, and Courts of Judicature.

There's no need of a Philosophical
 Head, an acute Genius, or much Learn-
 ing to see that those we called Bishops
 were not such as the Apostle describes:
 Every Man that can but read the New
 Testament, and compare the one with
 the other, may be able to discern the dif-
 ference; and at the same time it is as plain
 from the same Texts, that Ministers who
 pretend to no such Character as our Pre-
 lates assum'd, have other Work enjoyn'd
 them, than to attend upon Courts, and
 to embarrass themselves with Secular Af-
 fairs.

I know it's objected by some, that
 Bishops are in Order superior to that of
 Presbyters by Divine Institution, and
 therefore ought to be retain'd. I have
 answer'd already, that the *Episcopal Party*
 in *Scotland* are of another Mind, otherwise
 they and their Bishops betray'd their Cause
 and their Conscience, when they trans-

fer'd it from a *Jus Divinum*, to a *Jus Regium*, by the above mentioned Acts of Parliament, which is enough to silence them; but as a fuller Answer, in the Epistles to *Timothy* and *Titus*, we find Bishop and Presbyter to be the same in Name and Office, and perfectly convertible Terms. Dr. *Hammond*, one of the Learned'st of our Adversaries, was so fully convinc'd of this, that he knew no other way to avoid it, but by alledging, that those who are now call'd Presbyters in the Church of *England*, were not then instituted; but the Evasion is so weak, that any Man who is not prepossess'd in favour of a Party, may easily see thro' it.

Besides Men of as great Learning, and of much greater Eminency in the Church of *England* than the Doctor, have express'd it as their Opinion, that in the Apostles times there was no difference betwixt Bishop and Presbyter. Of this Mind was the famous Arch-bishop *Cranmer*, and his Brethren in Martyrdom, *Latimer* and *Hooper*: — For the first, we have the Authority of Dr. *Stillingsfleet* in his *Irenicum* †; and for the other two, we have that of *Voetius* *, who says, it was not without great difficulty, that they

† P. 293. * Polit. Eccl. Part 2, pag. 853.

admitted the *Exercise* of the *Episcopal Office*, and rather excus'd than defended it: Of the same Opinion, as to the Identity of Bishop and Presbyter, was the Learned Bishop *Jewell*; as may be seen in his Defence of the Apology for the Church of England against *Harding* †. Dr. *Holland*, the *Regius Professor* at *Oxford*, expos'd Bp. *Laud*, for asserting the Divine Right of *Episcopacy*, as distinct from Presbytery, as we are inform'd by *Spanhem* ||; and indeed the first Man that ever asserted it in the Protestant World, that we know of, was *Adrian Saravia*, who was look'd upon as an *Enemy* to the Reform'd Churches, and was indeed so true to his Principles, and so candid as to own, that the same Arguments which made for a Bishop, did plead for all the Gradations of *Prelacy* from a single *Diocesan*, to an universal *Bishop* or *Pope* *.

From hence it appears to be highly unreasonable, that those who are so divided in Opinion among themselves, about the Divine Right of Bishops, as Superior to Presbyters, should impose such Bishops upon others who are firmly perswaded,

† Page 121. || Parr. Spec. pag. 221. * Marefius. Exam. Theolog. quat quæst. Infig. Quæst. 1. p. 68. Sarav. Ep. Dedicat. ad Episcop. Angl. de Gradibus Ministr.

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that there's no such Officer of Divine Institution, and therefore cannot in Conscience submit to them as such.

Then, as to those of our own Countrymen who exclaim against Presbytery, and seek to overturn it, because of the Compliance of some Ministers and others of that way, with the Methods of the late Court in the Affair of *Darien, &c.* They would do well to consider, whether *Episcopacy* be likely to cure the *Errors* of Presbytery, and if the Influence of a Court Chaplain or two, of no Superior Order to that of the Common Ministers was so great, what must the Influence of fourteen Bishops have been over all the inferior Clergy, who were bound to them by Oath of Canonical Obedience, considering that the Prelates, besides their Ecclesiastical Authority, had that of Lords of Parliament and Members of Privy Council, &c. to add an irresistible Force to their Perswasions. And they are particularly desir'd to consider, whether all the Compliances that can be truly or falsely charg'd upon the Presbyterian Ministers, or others of their Friends by their Influence, will amount to one half of what was done by our Prelates, and their Adherents in the 27th Act of the 3d Session of the 1st Parliament of K. Ch. II. where
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in it was declar'd, That the ordering and disposal of Trade with foreign Countrys, and the laying of Restraints and Impositions upon foreign imported Merchandize, is an undoubted Priviledge and Prerogative of the Crown, and the King and his Successors may order the same as they shall judg fit for the Good of the Kingdom. This was so gross a Surrender of our Liberty, and made us such compleat Slaves, that it was repeal'd *Nemine Contradicente* in one of the last Sessions of K. William's Parliament, in which the Presbyterians are most blam'd for their Compliance. And tho I shall not offer one Word in Defence of any Countenance given either by Ministers, or others of the Presbyterian Judgment, to the In-croachment made upon our Libertys in K. William's Reign. Yet Justice must own so much, that all the Liberties we now enjoy, and such part of our antient Constitution, as we have already recover'd, is wholly owing to the Presbyterians, and those that join'd them in the late Revolution, it being evident by the Acts above mentioned, that the Prelatical Party had made a Surrender of all.

Besides, it ought to be duly consider'd, that any real or pretended Miscarriages of some Ministers, and others in the Mat-
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ters above mentioned, are not chargeable upon the Presbyterian Constitution, but proceeded from accidental Causes, such as their Zeal, for his late Majesty, and the present Constitution, against which they were afraid the Enemies of the Government might make that Business a handle. Whereas the Compliances charg'd upon our Prelates in the preceding Reigns, were the natural Result of their Constitution, for they were made Slaves to the King by our Law, he actually prefer'd them to those Posts; he was the Origin and Fountain of all their Power and Jurisdiction, they were accountable to him for their Administration, and he was invested with a Power to act in Church Matters as he saw fit, which nail'd their Ears to the Door-Posts of his Pallace, and made 'em his Slaves for ever.

But as to the Presbyterian Constitution, it is very well known that the Prince has no power of Naming any of their Ministers; their Call depends upon the People, their Mission upon a Presbytery, or associated number of Ministers: For their Administration they are accountable to Presbyteries, and Assemblies Provincial and General; All those Assemblies are Aristocratical, and besides Ministers, are compos'd of others of the greatest Piety, and many

many times Quality, in their respective Districts, who being often Noblemen, and others that sit in Parliament, take care that the Clergy, tho they would, shall not be able to impose upon the People, either in Matters of Faith or Practise, or to do any thing contrary to the Laws of the Nation: There the Grievances relating to Church-Affairs are fairly represented, and freely debated, without any power in the Prince to controul them if they act according to Law, and without any dependance, by Canonical Oath or otherwise, upon Bishops to be a Curb upon that Freedom which Church-Councils ought to enjoy. So that the Reason why this Ecclesiastical Constitution has been always so hateful to Flattering Courtiers, Ambitious Prelates, and Arbitrary Princes, is the same with that of their hatred to Free Parliaments; and therefore any of those who pretended to stand up for the Priviledges of the Country, against the Usurpations of the Court in the late Reign, must act very inconsequentially if they be for overturning Presbytery in this. If it be reckoned the Glory of a Free Nation, that their Property cannot be touch'd, nor a Penny of their Money dispos'd of by their Prince, without their own consent in Parliament. Why should it not be reckon'd

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an equal if not a superior Advantage, to have such an Ecclesiastical Constitution, that the Prince and Clergy shall not have Power to impose any thing upon us, either as to Faith or Practise, without our own Consent, in a General Assembly or Parliament of the Church, where every thing is freely debated by the Representatives of the People, as well as of the Clergy, before it can be form'd into an Act or Canon, or be obligatory upon the Nation, so as to infer any Secular or Ecclesiastical Censure until it be ratify'd by Law. All Men who have any just Notion of Liberty, and Value for Religion, must own, that this is preferrable to such a Constitution, which pin'd our Faith upon the Sleeve of the Prince and his Bishops, who assembled Convocations that had none to represent the People, nor a full Representative of the Clergy, and yet their Canons were impos'd upon the Nation, both in relation to Faith and Practise.

To this we may add, that in all those Protestant Countries, where People enjoy the greatest share of Liberty, or are most zealous for the Reformation, as in *Holland*, *Switzerland*, and many places in *Germany*, they fell in with that Aristocratical Form of Church-Government, and would never admit of any Hierarchy, but have
expressly

expresly condemn'd it in their Confessions of Faith: And the like is to be said of the once Great and Famous Protestant Churches in *France*, and of those still in being in the Dominions of the Elector of *Brandenburg* and Landgrave of *Hesse* in *Germany*, tho the Princes of all these Countries are more Despotical, than the Constitution of *England* or *Scotland* allows our Princes to be, which together with the undoubted Loyalty of the Presbyterian Church of *Scotland* to King *William* and her present Majesty, is a plain Demonstration that Presbytery is no way inconsistent with a Legal Government, by a King, Queen, or any other single Person: Nor is there any reason it should, since by their Constitution and Principles they don't allow Ecclesiastics to meddle with Secular Affairs, but when duly call'd by the State to give their advice in Point of Conscience, or when the Scandal is so flagrant, that they cannot without unfaithfulness to our Saviour the sole Head of his Church, whose Commission they bear, omit to give fair Warning to Princes or States, when they act any thing contrary to the Interest of Religion, and this we know was practis'd by the English Bishops to *Q. Elizabeth*, in relation to *Mary Q. of Scots*, to King *James I. of England*, in Relation

lation to the Spanish Match, and to their King *James* the 2^d. about his dispensing Power, and commanding the Bishops to read his Declaration of Indulgence. Nor was it ever known, that any Ecclesiastics of the Aristocratical Way, did usurp any Temporal Sovereignty, or set themselves up in the room of the Civil Magistrate. Whereas, the Bishop of *Rome*, the Ecclesiastical *Electors* in *Germany*, and several other Bishops of the *Empire* who are Temporal Princes, are undeniable Instances of such Usurpation by the *Hierarchies*, who wrest'd the Civil Sword out of the Hands of such as were formerly Princes in those parts of the World; and now are possess'd of both Temporal and Spiritual Sword; and how dangerous Weapons either of them are in the Hands of Prelates alone, our Nation hath felt too severely, to be now ignorant of it.

SECT.

S E C T. VIII.

Answering the Objection from Difference of Laws, and that we cannot give an Equivalent for Freedom of Trade.

AS to the Difference of the Laws, such as have been Conversant in that Study will soon be satisfied, that the Difference there, is likewise more in the Way of Administration, than in the Essential Part; and that there can no such Difficulty result from that, as to hinder the Subjects of either Nation from Recovering their Debts and having Justice in any respect done them in the other: Besides, if there be any Difficulties of that nature, they may soon be remov'd by Act of Parliament. But after all, supposing the difference in Laws to be greater than really it is, King *Edward* the Sixth hath sufficiently answer'd it in his Declaration above-mention'd; and why our Neighbours should insist more upon that Matter since the Union of the Crowns than they did before, there can be no reason assign'd which will not plead as strongly for our denying it, as for their requiring it.

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Then as to the Equivalent they talk of, for being admitted to the same Freedom of Trade with the *English*. We know not why the Union of the Nations may not be as sufficient to answer that now, as 'twas in the time of *Edward* the Sixth, when 'twas not so much as made an Objection : But for a further Answer, our Neighbours may be pleas'd to know, that we think them very well compensated for that.

1. By the Ceasing of the Alliance betwixt us and *France*; for that Alliance made them liable to constant Wars and Invasions at home, and Disturbances in the Progress of their Arms abroad, and lost them all the Great Acquisitions that once they had in *France*.

2. By the Great Sums of Money which are annually spent in *England* by our Nobility and Gentry in their necessary Attendance at Court; and by their purchasing in that Country the best of their Household Furniture, Apparel, Coaches, Horses, &c. to the great Dammage of our own Nation, to which that Money never circulates again.

3. If that be not enough, they may have a further Compensation by improving their Stocks, their Art, and their Industry in our Fishery, Lead, Salt, Linnen-cloth,

cloth, &c. with which its known our Country abounds, and might certainly make as good Returns to the *English* and our selves, as they do to the *Dutch*, could we but once come to so happy a Temper as to join cordially in it. The *English* being admitted joint Sharers with our own Subjects in those and other Branches of our Trade, which by a continued Tract of Oppression ever since the Union of the Crowns, we have been made unable to improve by our selves, would quickly obviate Mr. Fuller's Causes of fear, that the Lean Cattel would break in among the Fat, and make all Lean together; for then we should have Imployment enough for all our Hands at home, and might make use of em to promote the Advantage of the whole Island, instead of being a Burden to any part of it.

The *English* being thus made Sharers in all the Branches of our Trade, 'twould likewise sufficiently make up any Loss which they can pretend to sustain by our importing any of our Commodities into their *West-India* Plantations; And a mutual Communication of Priviledges in this Manner betwixt the two Nations, would be the most speedy and effectual Method to cut off all Inclination in the *Scots* to Foreign Dependencies, which some of

the *English* Polititians seem much to fear, if they continue two distinct Nations *. For the *Scots* being gratify'd in this, and left to the enjoyment of their own Constitution, would have no occasion to seek after any foreign Dependencies. Nor is there that Nation in the World which could propose us any thing to balance one half of the Advantages we should lose were we united with *England* upon those Terms; the denial of which is the ready Way to force us to look out after foreign Dependencies; and if that should ever be the Case, (which God forbid) there is no Nation in the World capable of doing *England* so much damage as we.

4. If the Union be agreed on upon such Terms, it will be a sufficient Compensation to *England*, that we bear a proportionable Share with them, according to the Valuation of our Rents, in maintaining any War that may happen against the common Enemies of the Island, and in raising a proportionable Number of Men for that end; which then we shall cheerfully agree to, whereas now, it is at our option whether we will do either, and upon any disgust giv'n us by the Court they

* Discourse upon the Union of the two Kingdoms, addressed to King Charles the Second. *Miscellanea Aulica*, Pag. 194.

run the risk of a positive denial of both, as was plain enough from the Opposition the late Court met with in Parliament, upon the ill Treatment we receiv'd from 'em as to *Darien*.

5. Tho' there were no probability that the *English* should have any Compensation for admitting us to an Equality in Matter of Trade, we have reason to insist upon it, as part of a Compensation for the Losses we have sustained by the Union of the Crowns, of our Priviledges in *France*, which were very Great, and Equal in all Respects to those of the Natives, as may be seen by the Acts of the eighth Parliament of Queen *Mary*, Number 65, 66. Besides, it's well enough known, that long before that time, *Scots-men* were capable of the greatest Dignities in *France*; for in the Reign of King *James* the First, Anno 1420. the Earl of *Buchan* was by *Charles* the Seventh of *France* made Constable of that Kingdom, which is the Highest Post next to the Crown; and the Lord *Douglas* was made Duke of *Turenne* at the same time. The Lord *Aubigny* was made General of the *French* Army in *Italy* by *Charles* the Eighth, and Vice-roy of *Naples*. The Duke of *Albany*, who was Vice-roy of *Scotland* in the Minority of King *James* the Fifth, was made General of the *French*

Army sent to recover the Kingdom of *Naples*. The Lord *Montgomery*, in the Reign of *Francis* the First, had the Command of 6000 Men in *France*, who, because of their extraordinary Valour, were call'd 6000 Devils. In those days there never wanted a considerable Body of *Scots* Horse in *France*, commanded by some Nobleman of *Scotland*. In Queen *Mary's* Minority the Lord *Hamilton* was created Duke of *Chattelheraut* in *France*; and its well enough known, that the King of *France's* own Guards were compos'd of *Scots men*: So that by our League with *France*, we had an Opportunity of Honourable Provision for the Younger Sons of our Nobility and Gentry, and a constant Nursery of Souldiers to serve us on all Occasions, without endangering our Morals or Liberties by standing Armies in our own Nation: And besides, they were every way as steadable to us as if they had been at home, for there they gave a Diversion to the *English* Arms. Then as to our Priviledges of Trade, it is known we had greater Immunities of that sort in *France* than were granted to any other People whatever; all which we have lost by the Union of the two Crowns. And therefore the *English* have no reason to grudge us an Equality in Matter of Trade to make up part of this Loss. But

But after all, perhaps if our Merchants and Traders be consulted in the Point, as it is hop'd some of the chief of 'em will; It may be found, that an Equality of Trade with *England* in all her Plantations, will not come near to balance the Loss that our own Trade at home, and particularly our Woollen Manufacture must suffer by the Importation of *English* Cloth and Stuffs. Nay I believe we must of necessity be considerable losers by it, unless we can fall upon a Method of Exporting their *West-India* Commodities; for our own Consumption of those things can never balance it: and therefore it must be well weighed and considered, whether there be any Probability of Enlarging the Export of our Linnen, and other Commodities, by such an Union, before it be agreed to.

In the next place it ought to be duly weighed, whether *England* can propose us any thing equivalent to the Priviledges granted our *African* Company; and therefore particular Care must be taken, that those Priviledges suffer no diminution by the Union, except the *English* can propose us a satisfactory Balance. It's very probable, that they will dispute our Freedom from Customs, because of their Fears that it may enable us to undersel them,

but this would seem to be the least that they ought to allow us as a Compensation for the Damages we have sustain'd by the Opposition which they made to our *Darien* Colony: And besides, when we consider the Draw-backs they are allow'd when they export those Commodities, and the Advantage they have by buying greater Quantities at first, than we can pretend to, our freedom from Customs in this Matter will appear to be nothing so great as at first view they imagine.

Above all, We ought duly to consider the present Differences betwixt our Circumstances and theirs. They have actually settled their Succession, and have adjust'd their Limitations for the next Successor. We are still at liberty both as to the one and to the other. So that we have reason to expect rather better Terms than those propos'd us by *Edward* the Sixth, in his Declaration above-mention'd; for then we had only a Princess to dispose of, but now we have a Kingdom; which is infinitely the more valuable Prize: Because Princes in Possession are hardly prevail'd with to allow their Subjects any greater Priviledges, than those which they enjoy'd under their immediate Predecessors; but when a Line of Entail wears out, which is the

the Case now in view, the People have an opportunity of making what Terms they please with the next Person or Family they prefer to the Crown; and therefore we have no reason to doubt but the next upon whom we confer our Scepter will agree to what we can reasonably propose as a Claim of Right, except we be wanting to our selves. This puts our Parliament in a condition to reassume three Parts in four of our Sovereignty, which were anciently lodg'd in the three Estates, who had a commanding Power over the Prince in all the *Jura Majestatis*, he being only at the Head of the Administration; but having no Power to do any thing relating to the *ardua Regni*, without their concurrence and consent. The Case being so, we have not only an Opportunity of Recovering our said Constitution, which hath been wrested from us since the Union of the Crowns, but we may obtain as a Preliminary from the next Successor, the taking off all Impositions upon Trade, and making our Country a free Port; in lieu of which we may allow the Crown a Tax upon Land, or what else we think meet, which will be sufficiently made up to our Nobility and Gentry, by the Rise of the Value of the Product of their Lands, that must necessarily happen, upon
the

the enlargement of our Trade : And this we have reason to expect as well as other Countries, where Commerce is encourag'd by easie Imposts, by lowering the Interest of Money, by promoting home Manufactures, and taking care to employ their Subjects.

These Things make it evident, that the *English* may reap great Advantages by uniting with us upon equal Terms, since it affords them an Opportunity of Supplying any thing that may be wanting in their late Act of Settlement for securing the Liberty and Property of the Subject, or encouraging their Trade ; for if we obtain those things, which we may certainly do, if those who represent us don't betray their Trust ; the *English*, if they think fit, have a good Plea to demand the same ; and therefore it would seem to be their Interest rather to assist us in obtaining those Preliminaries, than to oppose us in it.

S E C T.

S E C T. IX.

*Proposals for Preserving the Union,
if agreed to.*

IF the Nations be so happy as to agree upon an Union on the Foot of King *Edward* the Sixth's Plan, or of that agreed to by the Parliament of *Scotland* in the Reign of King *James* the Sixth, it will be necessary to lay down Measures for the Preservation and Continuance of that Union : As to which the following Proposals are humbly offered.

1. That so much of the Treaty begun at *Rippon*, and concluded at *Westminster*, in 1641. as suits the present Circumstances of both Nations, be taken into consideration, as a proper *Medium* for preserving the Union, because that having been already agreed to by King *Charles* the First and both Nations, will in all probability be the sooner agreed to again. The chief of the Articles of the Treaty which seem to be any way proper for our present Circumstances, are as follow :

1. That the Factors and Merchants of either Nation trading in the other, be not press'd with Oaths and Subscriptions,
not

not warranted by the Laws of their respective Countries; and the like any other Subjects sojourning for a time, but such as be fix'd Inhabitants by Inheritance, Freehold, or settled Trades, to be subject in those and other Respects, to the Laws of the Country where they have their fix'd Residence. The same to be understood as to *Ireland*. And to this may be added, That none of the Persons above mentioned, except as is above excepted, be press'd to a conformity in Church Matters, in either Kingdom; it being very well known what Troubles were occasioned on that Head to *Scots-men* residing in *England* and *Ireland* in the Reigns of *Charles* the First and Second.

2. That whosoever shall be found upon Trial and Examination by either of the two Governments or Parliaments, to foment Division betwixt the Prince and People, or betwixt the two Nations, shall be liable to the Censure of the respective Government or Parliament to whose Authority they are subject. This is certainly as necessary now as then, considering how scurrilously our Nation is treated by Pamphlets in *England*, tending to make our Constitution in Church and State odious to the *English* Nation.

3. That

3. That the Prince shall not hinder any of the Subjects to be tried and judged by the Parliament of either Nation, to which they are Subject; that after Sentence of Parliament, no such Person have access to the Prince, or be maintained and enjoy Places or Offices, or have Credit and Authority to advise the Prince, when censured by the Parliament of either Nation. This the Parliament of *England* have thought necessary from time to time in their own Country, with relation to those they had impeach'd; and our Nation suffered much for want of such an Agreement in the Reign of King *Charles I.* when those, who subverted our Constitution, were protected and employed by him in *England*, after they were censured by our Parliament; and it's well known how a certain Gentleman is caress'd in *England* at present, though expelled our Parliament for flying in the Face of our Constitution.

4. That all Books, Libels and Pamphlets, published in either of the Nations reflecting upon the Honour of the other, be suppress'd and recall'd, and all such forbidden in time to come. This cannot in Justice be look'd upon as an undue Restraining, since those who are for a Towering Prerogative in the State, or Episcopacy

pace in the Church, or the contrary, have Scope enough to debate their Opinions fairly, and to propose any thing to the Parliament of their respective Countries modestly, by Word or Writing, without being allow'd in either of the Nations to libel and affront the Constitution of the other, either in Church or State, which can have no other effect but the raising of Animosities and Divisions.

5. That no Person sentenced by the Parliament of either Nation, as Incendiaries betwixt the Nations, or betwixt the Prince and People, shall have any Shelter or Protection in either of the Kingdoms, but be delivered up upon demand to be punish'd according to the Laws of the Country, where they are Subjects, if they fly from the one Nation to the other.

6. That as there were then Conservators of the Peace, being so many of each Estate of Parliament appointed by the Parliaments of both Kingdoms with the Consent of the King. There may be in like manner Conservators of the Union appointed with the same Powers, that the Conservators of the *Peace* had, *viz.* To convene at Places and Times convenient to take care that the Union agreed on may be kept, and to endeavour the Preservation of the same by all lawful Means,
and

and to use their utmost Care to prevent all Breach of the Articles, or any Trouble and Division which may arise by the Violation of any of the said Articles, to be answerable for their Proceedings to the Prince and respective *Parliaments*; and if any thing happen that is not in their Power to redress, that they represent the same to the Prince and respective *Parliaments*, and these Commissioners to be chosen from time to time as the *Prince* and the *Parliaments* shall find convenient.

These Things having been agreed on as to the Matter, betwixt the two Kingdoms in 1641. it's humbly conceiv'd that they may be very proper to be taken into consideration now, as fit Measures for preserving the Union, if agreed to.

There were other Things then proposed, which seem equally necessary towards a happy Union, *viz.* That the Consent of both Parliaments be had in making Peace or War, and in Leagues with Foreign Princes; and that the Extracts of Bonds and Decrees recorded in *Scotland*, may have the like Faith and Execution, as the French Tabellions have in *England* or *Ireland*. It was also demanded, that the Prince and his Court reside one Year in three in *Scotland*, that the Sovereign may be the better acquainted with the Constitution

tution of the Country, by which means they will secure the Affections of our People, and have an opportunity of doing so, by redressing our Grievances in Person; and by this mutual Intercourse and Commerce, the Amity and Friendship betwixt the two Nations will be increas'd, and an Universal Trade and Circulation of Money thro' the Island promoted.

It deserves likewise to be considered as a necessary Expedient for preserving the Union, That we be restor'd to such Parts of our Constitution as we have been depriv'd of by the Union of the Crowns, and particularly that necessary part of it, of having our Parliaments chuse their own President; of having our Judges Officers of State and Privy-councillors chosen in Parliament, and accountable to the Parliament for their Administration; for tho' it be commonly said, that this was a Forceput upon King *Charles* the First in a time of Rebellion, by which this Priviledge was extorted from him, and that it was an Innovation in our Government and a new Incroachment upon the Prerogative. It is a grand Mistake. They that have perus'd our old Acts of Parliament, call'd the black Acts, know that it was our ancient Constitution, which we were possess'd of, at least for the greatest part, ever

till

till the Union of the Crowns; but not being able to contend with the King of *England*, and his Court-party in *Scotland*, we were bereft of it, and therefore in Justice ought to have it restor'd; it being but reasonable, as was express'd in the Acts of King *Charles* the First, which renew'd our Right to that part of our Constitution, that the absence of our Prince, should be compensated by good Laws. This were an effectual Method to prevent all Misunderstandings betwixt the Prince and the People, and betwixt the two Nations, because it would secure us from all suspicion of being impos'd upon by *English* Councils; and 'twould oblige those in the Administration to be true to the Interest of their Country, since they could not be promoted to those Posts without consent of Parliament; and must be answerable to them for the Councils they give the Prince, and for the Part which they act in the executive Power. And this having been allow'd us with the Consent of the *English* Nation in 1641. there is no reason that they should oppose our re-obtaining it now.

Then as to frequency of Parliaments, by our Constitution we ought to have one every Year, the Act for Annual Elections being still in force: Neither have

our Representatives in Parliament an absolute and unlimited Power, but are oblig'd to act according to the Instructions of those that send em, and in all Changes propos'd relating to our fundamental Constitution; they ought to consult their Electors before they come to any final Determination: For as it is well express'd by one of the greatest Lawyers ever we had, tho' they have a Commission *cum Libera potestate*. It is to be understood, that they may *superstruere*, but cannot evert or alter Fundamentals and the Constitution of the Government either of Church or State; and if any thing of that Nature be intended, it ought not to be done by Representatives, unless they have special Authority to that purpose *. For the Power of our Parliaments is limited both by Common and Statute-Law, to that *which is Convenient and Profitable for the Realm* as appears by the Acts of James the First, *Parl. 7. cap. 102. Jac. 2. cap. 38. and Jac. 3. cap. 106.* † And indeed since the Constitution of our Parliament is now so much alter'd from what it originally was, there's the greater Reason for this Limitation, and to send Assessors with Mem-

* Sir John Nisbitt's Doubts and Questions in Law, p. 17.

† These two last are in the black Acts.

bers to see that they follow their Instructions: For anciently all our Barons and Freeholders came to Parliament in person, not as Vassals and Tenants are oblig'd to attend Baron-Courts, as some Men of Arbitrary Principles have thought fit to alledge, but as a Service which they primarily ow'd to their Country, where they were so far from acting only as meer Vassals, that they had a joint Share with the Prince, if not a commanding Power over him, in all those things which Politicians call *Jura Majestatis*. For the Proof of this, I refer to the following Appendix, which is the Scheme of a larger Discourse intended on that Subject, for the Vindication of our ancient Liberty, against Sir George Mackenzie and others who have advanc'd the *Jus Regium*, as they call it, to such a height, as it would seem they had never read our old Laws, or if they had, did wickedly conceal them.

To conclude, If an Union be agreed on, or when our Nation comes to think of Limitations for the next Successor, the Oath of Parliament, enacted by the Parliament of Scotland in 1641. to be taken by all Members, deserves to be taken into consideration, as not improper to be made use of: It was in substance thus: *We Underscribers and every one of us, do in the*

presence of Almighty God promise and vow, that in this present Parliament, we shall faithfully and freely speak, answer and express our selves upon all and every thing which is or shall be propos'd, so far as we think in our Conscience may conduce to the Glory of God, the Good and Peace of the Church, and State of the Kingdom; and employ our Endeavours to promote the same, and shall in no wise advise, vote, or consent to any thing which to our knowledge we think not most expedient and conduceable thereunto; as also, that we shall maintain and defend with our Life, Power and Estate Royal Person, Honor and Estate; and likewise the Power and Priviledges of Parliament, and the lawful Right and Liberties of the Subjects, and by all lawful Means and Ways oppose and endeavour to bring to trial, all such as either by Force, Practice, Council, Plots, Conspiracies, or otherwise, have done, or shall do any thing in prejudice of the Religion, Laws, Liberties and Peace of the Kingdom: And further, that we shall in all just and honourable Ways endeavour to preserve Union and Peace betwixt the three Kingdoms of Scotland, England and Ireland, and neither for Hope, Fear or other Respect, relinquish this Vow and Promise.

APPENDIX:

BEING

A Brief View of the Original Rights of the People of Scotland:

*Humbly propos'd to the Consideration of the
three Estates of the Kingdom, when they
come to think of Limitations in their Act
for Settling the Succession; or of Proposals
for the Union of the Kingdoms.*

I. **T**Hat the Sovereignty was not
lodg'd in the King alone, but
in the King and the three Estates
in conjunction.

From hence it came to pass,

1. That the Kings of Scotland had no
Negative Voice, but were oblig'd to give
their Royal Assent to what the Parlia-
ment enacted, or otherwise it had the
force of a Law notwithstanding; because
three parts of the Sovereignty being
lodg'd in the States, did always determine

the fourth, which was lodg'd in the King. This was evident in the Case of the Reformation, which had the force of a Law, because enacted by the States, tho' Queen *Mary* and her Husband, the Dauphin, refus'd their Assent to the Laws which establish'd it; and upon her return to *Scotland* she was so far from offering to dispense with them, that she intreated her Nobles to allow her a private Mass in her own Family.

This was not owing to the Weakness of her Sex, or the Troubles of the Times, but the Result of our free Constitution; for our Histories are full of Instances of our Parliaments calling their Kings before them, to give an account of their Administration ev'n in time of Peace; as *Culenus*, our 79th King, and *Eugenius VII*; the former being sent for by the Parliament to answer for his Male-administration; and the latter being brought to his Trial for the suppos'd Murther of his Wife. This they could never have done, if our Kings had been possess'd of a Negative Voice, and had not the Estates themselves been possess'd of a commanding share of the Sovereignty. That our Kings had no Negative Voice, is own'd in a Book call'd, *An Essay upon the Disorders of Scotland*, at the down-sitting of the Parliament in 1661.

1661. sent by the Earl of Middleton to King Charles the Second, and now lately publish'd in a Book at London, call'd *Miscellanea Aulica*.

2. Hence also it came to pass, that our Kings did use to Request the Estates upon occasion: Thus we find it said in the Acts of King James the First, *cap. 125. Item Dominus Rex obtinuit per modum Requestus*. And in the Acts of King James the Second, *cap. 62*. That the King should Request the Great Borroughs, to make Carts of War, and in each Cart two Guns.

3. This was also the Reason that when the three Estates made War upon the King, for invading or subverting our Constitution, it was not Treason, as appears by the Act of *Jac. 2. cap. 24*. wherein it is declar'd to be Treason for any Man to raise War against the King, or to attack any Castle, &c. where he is in Person, *without the Consent of the three Estates*. This appears plainer by the Act of *Jac. 4. cap. 14*. which declares, that King James the Third, and those that fell with him in the Field of *Sterlin*, were slain by their own default; and that King James the Fourth, and those that join'd with him, were innocent and free of the same Slaughter, because he and they were for the Common Good of the Realm, and King

James the Third and his perverse Council intended the Perpetual Subjection of it. This Power of the States is at large asserted in the Memorial which the Earl of *Morton* and others presented by their Order to *Queen Elizabeth*, to justify their dethroning of *Queen Mary*, as may be seen in *Buchanan*.

II. The great Power that the Parliament of *Scotland*, was formerly possess'd of, is evident from the following Instances.

1. Their Letter to the Pope, signifying, that they had dethron'd *John Baliol*, for betraying their Sovereignty to *England*, and that they had set up *Robert Bruce* in his stead, whom they would also dethrone if he follow'd the same Measures.

2. That every Man of them drew his Sword in Parliament, when *Robert Bruce*, by the Advice of bad Councillors, demanded to see the Rights of their Estates, which he knew most 'em had lost during the War with the *English* and *Baliol's* Faction, and told him they held their Estates by that Tenure.

3. By their obliging King *James* the Third to stich up the Earl of *Morton's* Charter on the Throne, where he had tore it, because of the large Priviledges it contain'd.

4. In

4. In the Acts of the five *James's*, they direct, not to say command their Kings in the weightiest Affairs of the Administration: As in the Mending of the Coin, *Jac. 1. cap. 25.* Causing the Judges to do full Justice, *cap. 49.* The like may be seen as to other parts of the Administration, such as Remissions, and his Majesty's being ordered to ride about in person to do Justice, &c. as may be seen in the Acts of *Jac. 2. c. 1, & 102. Jac. 3. c. 80, & 100. Jac. 4. c. 6. and Jac. 5. c. 38.* The King promises to do nothing but what he may justly by the Advice of his three Estates.

III. The Parliament had the priviledge of meeting annually, and sometimes twice *per Annum.* And Members were annually elected at the Head-Court of each Shire, *Act James 1. c. 112.* ratify'd *Parl. 11. Jac. 6. c. 113.* They likewise chose their Speaker, as appears by that same Act of *Jac. 1. c. 112.* were adjourn'd by their own consent, and appointed the Time and Place of next Meeting, as appears by Acts of *Jac. 1. c. 125. c. 145. Jac 2. c. 22, 38, 42, 52. Jac. 3. c. 61, 75.* And this Priviledge was own'd by *James the Sixth*, in his Letter to the Lord *Balmerinloch* his Secretary, *May 6. 1604.* ordering that the States should continue the Parliament.

IV.

IV. The States had a power of appointing Committees of their own Number to superintend the Administration during Intervals of Parliament, and to give Orders in Matters relating to Peace and War, as appears by Act *Jac. 1. c. 71, 85, 89. Jac. 2. c. 22, 77. Jac. 3. c. 2, 52, 58, 61, 75, 97. Jac. 4. c. 8. Jac. 6.* in most of his Parliaments, Committees were appointed, and particularly in his 11th, one is appointed for the Defence of the Realm in time of War.

V. Formerly all the Barons and Freeholders attended in Parliament, and the first time their Attendance was dispens'd with was in the Act of King *James First, cap. 112.* on condition of their chusing Commissioners to represent them at the head Court of each Shire, and those Commissioners were to chuse their Speaker to propose all things relating to the Commons in Parliament, yet we find all the Freeholders present in the next Parliaments held at *Perth*; as also at several Parliaments in King *James Second's* Time, Act *Jac. 2. Parl. 14. cap. 75.* in *Sir Tho. Murray's* Collection, ordered that no Freeholder, who held under 20 *l.* of the King, was to be constrain'd to attend in Parliament. Act *Jac. 2. cap. 113.* all Barons and Freeholders above the extent of

100 Marks were oblig'd to come to Parliament, on pain of the old Fine. They were all present at Queen *Mary's* Parliament at *Monkton-hall*, cap. 3. nor is there any Statute that positively discharges their Attendance to this Day.

VI. The Parliament had the Power of creating Lords of Parliament. Thus the Lord *Douglas* and others were created by King *Malcolm* in his Parliament at *Forfar*, An. 1061. and *Robert* the Third in a Parliament at *Perth* in 1396. created his own Son Duke of *Albany*.

VII. The Parliament had also a Power in creating Royal Burroughs, as appears by *Parl. 15. Jac. 6. cap. 263* where they order the Building of several in the *Highlands*.

VIII. The Parliament had a Power in all Matters relating to Peace or War, as arming the People, appointing the *Rendezvous*, ordering the manner of the War, and appointing the King himself to command in Person, if the King of *England* invaded in Person. They ordered Proclamations against Traitors, appointed Garisons, their Commanders and Maintenance, as appears by Act, *Jam. 3. cap. 100*.

The Parliament also appointed all the People to be arm'd and disciplin'd at certain

tain times of the Year, and Captains to be chosen in every Parish, as appears by the Acts *Jac. 2. cap. 71. Jac. 3. cap. 106. Jac. 4. cap. 53. Jac. 5. cap. 45. 61.* and by the Acts *Jac. 4. cap. 120.* and Queen *Mary, cap. 18.* No War was to be proclaimed, or Tax levied without consent of Deputies from the Burroughs, as the third Estate of Parliament; and by the Act *Jac. 1. cap. 140.* They appointed Gallies for defence of the Coasts, and how they should be maintained.

IX. As to Money given for carrying on a War, they appointed the Auditors of the Accounts, the Receivers and Keepers of the Money, and in case Peace were concluded in the mean time, they ordered that the Money should be kept for the common Profit and Use. Act *Jam. 1. c. 146.* And Money given for publick Use, they would neither allow the King to discharge any part of it, or apply it to any other use, Act *Jac. 4. cap. 21. & 72.*

X. The Parliament named Ambassadors, adjusted their Number, Retinue, Expenses and Instructions, when sent to make Leagues and Treaties about the Affairs of Peace and War, the Marriage of our Princes, and Matters relating to Trade and Commerce, as appears by the Acts *Jac. 2. cap. 51. Jac. 3. cap. 62. 97. 100, 108.*

108. 126. *Jac.* 4. *cap.* 2. 22, 23. 44, 45. 72. They also appointed Ambassadors and Terms for the Marriage of Queen Mary, and in King James 6. *Parl.* 15. c. 277. they advise the sending of Ambassadors to Foreign Princes, and grant a Tax for it.

XI. The Parliament appointed Courts of Justice, and named Judges, Lords of Session, Ministers of Justice, Methods of administering the same, chose and swore them in Parliament, and appointed their Qualifications, as appears by Acts, *Jac.* 1. *cap.* 6. 72. 93. 98, 99. 150. *Jac.* 2. *cap.* 3. 68, 69, 70. *Jac.* 3. *cap.* 30. 76. 117. *Jac.* 4. *cap.* 51. *Jac.* 5. *cap.* 6. 36. 63. Queen Mary, *cap.* 2. *Jac.* 6. *Parl.* 1. *cap.* 18. *Parl.* 8. 139. *Parl.* 12. *cap.* 132. and all Jurisdiction and Judgment not approved by the Parliament is discharg'd, *Jac.* 6. *Parl.* 8. c. 131.

XII. The Parliament did also limit the King in his Pardons and Remissions, as appears by Act, *Jac.* 1. *cap.* 50. *Jac.* 2. *cap.* 73. *Jac.* 3. *cap.* 10. 88. 110. 116. *Jac.* 4. *cap.* 96. 97. *Jac.* 6. *Parl.* 8. *cap.* 136. 138. and order the pleading of a Pardon in some Cases, to be the Conviction of the Pleader.

XIII. The Parliament did likewise appoint his Domestick Officers, such as Almoner, Confessor, Master of the Household, Auditors of his Accounts; and his Privy-Councellors and Officers of State
were

were named and constituted in Parliament, as appears by *Jac. 3. cap. 48. Jac. 4. c. 16. 28. 92. Jac. 6. Parl. 5. and Parl. 6.* among the unprinted Acts. *Charles the I.* agreed to all this in his first and second Parliaments, That a good and happy Government might in some Measure supply his Majesty's Absence, *Parl. 2. Act 65.*

P. S. It's hop'd this is sufficient to vindicate our Nation from the Imputation of Rebellion charg'd upon us, not only by our own Hierarchics and Prerogative Authors with the common Herd of *English Writers*, but by one of the first Rank of that Nation, the late Earl of *Clarendon* in his Memoirs, which was usher'd into the World by that superficial Piece of *Sir Philip Warmicks*, and followed by that dull and scurilous Libel called, *Bishop Guthry's Memoirs*, to vouch for the Authority of those ill grounded Reflections, that the Earl hath cast upon our Country in general, and our greatest Families in particular, thro' the misinformations of Men of that Kidney. To treat us thus, is a piece of the blackest Injustice that ever was done a Nation, who, tho' they stood up for their own Constitution against the Invasions of their Prince, yet when things came to the Extremity, as to his Life and Dignity; they as boldly stood

stood up for his Person and Family, as the prevailing Party in *England* sought the Destruction of both, tho' God was not pleas'd to bless us with Success; so that for one of our Bishops to vouch such manifest Untruths against his own Country, as that they sold their King, &c. and to belie that excellent Prince, *James Duke of Hamilton*, as having received part of the Money, for which he was sold; when the World knows he laid down his Life for him, ought to be rank'd amongst those other pieces of good Service, which we have heard already, that order of Men have done their Country, and comes out very seasonably as a prevailing Argument for the Kingdom of *Scotland* to re-admit them. This is a sufficient Proof of the Treatment our greatest Families and Princes of the Blood are to expect from our *Scots* Hierarchies; if they don't go the full length with them in ruining the Country for not submitting to their Order. *James D. of Hamilton*, and his Brother *D. William*, who are so scandalously abus'd by *Bp. Guthrie*, did either of 'em more for the Service of the King, and for the Episcopal Order, than all the Bishops of *Scotland* were able to do together; but being Men of Moderate Principles, and no Friends to Arbitrary Power,

Power, especially D. James; their Reputation is thus stabb'd, as Traitors to their Prince, (tho' they both lost their Lives in the Cause) by Men who know nothing of the Constitution of the Country whose Affairs they treat of; and in the preservation of which both those Dukes had so great an Interest. They had indeed both of 'em so fair an opportunity of advancing themselves to the Throne of Scotland, by espousing the Cause of the People against the Court, that their steadfast Adherence to the King was justly look'd upon to be a Prodigy of Loyalty; and K Charles the first was so fully convinc'd of D. James's Honour, that when he was under an Accusation of aspiring to the Crown of Scotland, he trusted himself alone with him for several Nights in his Bed-chamber: But such is the Malice and incurable Rancour of our high-flown Prelatists, that they will needs disturb the *Manes* of this Great Man with a Charge of Treason, tho' he laid down his Head because he would not be a Traitor.

Since

Since the Writing of what is above, I have seen a little Piece about the Union, writ by a Person of Quality of our own Country, which complains of the same Hardships that we have suffer'd since the Union of the Crowns, and takes particular notice of one that is very remarkable, *viz.* That the late Lord *Hollis* (tho' no personal Enemy to our Nation) yet when Ambassadour for *England* in *France*, procur'd that our Immunity of 50 *Sous per Tun*, to which other Foreigners were liable, should be taken off, and that *Scots* Ships should be made liable to that Tax. This is one very pregnant Instance to prove what I have before laid down, That our Nation has been unkindly us'd by the Court of *England* since the Union of the Crowns: For if my Lord *Hollis* had this Matter in his Instructions, the Court was directly chargeable with it; and if he had not, they were much to blame in not censuring him for having exceeded his Instructions. But its probable his Lordship would never have done so, since he was so just to our Nation, that the Memoirs he hath left behind him, have done us more right as to our share in the Public Transactions during the Parliament-Wars, than any thing that

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ever

ever yet came from an *English* Pen. And indeed is a sufficient Vindication of our Honour from the ignominious Imputation of selling the King, which that unnatural Libeller, Bishop *Gutbry*, has endeavour'd to fix upon us.

But to return to the above-mention'd Piece, tho' there be many things in it very well said, good Arguments suggested for an Union in general; and the Objections against importing of our Commodities into *England*, and their Merchants making use of our Shipping, plausibly answer'd from this one Topic, That it lessens the Charges of the Consumers and Freighters, which is a general Advantage to the Kingdom of *England*, yet I cannot but wonder, considering the Parts and Quality of the Author, to find him write with so much Indifference as to the Preservation of our Civil and Ecclesiastical Constitution. Methinks one who has the Honour to wear a Coronet in *Scotland*, should stand a little more upon the Dignity of the *Scottish* Peerage, than to subject them to an Elective Vicissitude and Uncertainty of Executing their Priviledge of Legislature, whilst that of our Neighbours is fix'd and constant. Not that I am a Friend to an hereditary Power of Legislation; for where the requisite Qualifications

cations are wanting, I look upon it to be a Hardship on Mankind, and inconsistent with the End of Government; but I know no reason why our *Scots* Peers should be denied that Priviledge if those of *England* enjoy it; for Equality in every thing, as much, as possible, is the best way to make an Union durable. For the same Reason, I cannot think it just, that any other Part of our Civil Constitution, should be made a Sacrifice to that of *England*, but for a valuable Equivalent; and much less that we should make a Surrender of the Consciences of all our Presbyterian Subjects to gratifie their Hierarchy. There are some perhaps who might not feel much of the bad Effects on't amongst their Northern Tenants and Highland Friends, but I am confident it might in time come to lessen the Jointures of their Low-land Ladies. And our Nobility and Gentry on this side *Tay*, might in a few Years come to lose more by it in their Rentals, than the Importation of their Coals, Salt and Cattle into *England* would be able to balance. This would be a very effectual Method to put the old Court-Project, of turning all the Country on this side *Forth* into a hunting Field, (which some Men had a hand in attempting, when they sign'd Orders for killing People without a legal Trial)

and then our Nobility and Gentry of those Countries, which are by far the most considerable in the Kingdom, might be Landlords and Tennants at all once; and go a hunting for their Revenues where they could catch 'em. There are People in the World who have the Faculty of looking several ways at once, and if one aim miss they are sure another will hit. I have heard that there were Letters intercepted betwixt some of our Prelats, and a certain Gentleman in the late *K. William's* Reign, by which it appear'd, that there were those who made a threefold handle of standing up as Patrons for our Episcopal Clergy, that were outed for refusing to pray for King *William*, &c. The first was, that they could by so doing make an Interest with the Church of *England*, and their Friends at Court, and tell them that they were the Supporters of the Hierarchy. 2. They could use it as an Argument with King *William*, that it was by their Interest the Episcopal Party in *Scotland* were brought to live peaceably under his Government. 3. They cou'd at the same time make their Court by it to the People at *St. Germans*, and tell them, that 'twas by their Interest that so many of the Episcopal Clergy were kept from complying with the Usurpers. It will be very well if we have not some such

Such Intrigues carried on now, for I think no Scots-men of any tollerable Observaion can be ignorant, that the Episcopal Party in Scotland, who keep up a separate Worship from the establish'd Church there, are Enemies to the Revolution, and by consequence to the present Government. It's well enough known that their Bishops made the following Address to the late King James at the Revolution.

The Address of the Arch-bishops and Bishops of Scotland to the late King James, upon the News of the Prince of Orange's Undertaking, November the 10th, 1688. *Wid. London Gazette, Numb. 2398.*

May it please your most Sacred Majesty,

WE prostrate our selves to pay our most Devote Thanks and Adoration to the Sovereign Majesty of Heaven and Earth, for preserving Your Sacred Life and Person, so frequently exposed to the greatest Hazards, and as often delivered, and You miraculously prospered with Glory and Victory, in Defence of the Rights and Honour of Your Majesty's August Brother, and of these Kingdoms; and that by his Merciful Goodness the Ragings of the Sea, and Madness of Unreasonable Men, have been stilled and calmed: And Your Majesty, as the Darling of Heaven, peaceably seated on the Thrones of Your Royal Ancestors, whose Long, Illustrious and Unparallell'd Line, is the greatest Glory of this Your Ancient Kingdom.

We pay our most humble Gratitude to Your Majesty for the repeated Assurances of Your Royal Protection to our National Church and Religion, as the Laws have established them; which are very suitable to the Gracious Countenance, Encouragement and Protection Your Majesty was pleased to afford to our Church and Order, whilst we were happy in Your Presence amongst us.

We magnifie the Divine Mercy in blessing Your Majesty
with

with a Son, and us with a Prince, whom we pray Heaven may bless and preserve to sway Your Royal Scepter after You, and that he may inherit with Your Dominions the Illustrious and Heroick Vertues of his August and most Serene Parents.

We are amazed to hear of the danger of an Invasion from Holland, which excites our Prayers for an universal Repentance to all Orders of Men, that God may yet spare his People, preserve Your Royal Person, and prevent the Effusion of Christian Blood, and to give such Success to Your Majesty's Arms, that all who invade Your Majesty's just and undoubted Rights, and disturb or interrupt the Peace of Your Realms, may be disappointed and clothed with Shame; so that on Your Royal Head the Crown may still flourish.

As, by the Grace of God, we shall preserve in our selves a firm and unshaken Loyalty, so we shall be careful and zealous to promote in all Your Subjects, an intrepid and steadfast Allegiance to Your Majesty, as an Essential Part of their Religion, and of the Glory of our Holy Profession, not doubting but that God in his great Mercy, who hath so often preserved and delivered Your Majesty, will still preserve and deliver You, by giving You the Hearts of your Subjects, and the Necks of your Enemies. So pray we, who, in all Humility, are,

May it please Your Most Sacred Majesty,
Your Majesty's most Humble, most Faithful, and
most Obedient Subjects and Servants.

Edinburgh,
Nov. 3. 1688.

Signed by

The Lord Arch-bishop of St. Andrews.

The Lord Arch-bishop of Glasgow.

The Lord Bishop of Edinburgh.

The Lord Bishop of Galloway.

The Lord Bishop of Aberdeen.

The Lord Bishop of Dunkell.

The Lord Bishop of Brechen.

The Lord Bishop of Orkney.

The Lord Bishop of Murray.

The Lord Bishop of Ross.

The Lord Bishop of Dumblane.

The Lord Bishop of the Isles.

And

And that they and their Party are not giv'n to change in that Matter is evident enough from this, That while King *William* was alive they would not pray for him expressly in their Meetings, but contented themselves to pray for the King, without saying any thing more; and in the same manner did the *Jacobites* drink their Master's Health: since his Majesty died they found that Cant would not do, and to name the King in their Prayers would be too bald, and therefore they have chang'd the Word into that of Sovereign: If this be not mocking of God and the Government, let any Man judge. But that which is still worse, all the young Men of that Way who present themselves to the *quondam* Bishops for Ordination, were, during King *James's* Life, oblig'd by those Prelates to take the Oath of Allegiance to him, and since his death they oblige them in like manner to swear to the pretended King *James* the Eighth. This is known to be Matter of Fact: And therefore we dare refer it to the Judgment of the *English* Bishops, whether it be proper, that such a Party should be restor'd to the Conduct of Peoples Consciences. It must be own'd, that if their Prayers could have taken effect, those excellent Persons the Bishops of *England*, who so seasonably stopp'd the Current

rent of K. James's arbitrary Power, by refusing to read his *Declaration of Indulgence*, might by this time have been honour'd with a Crown of Martyrdom, such of them at least as persever'd, but they could never have enjoy'd their Mitres; and since this is known to be the Temper of our *Scotts Prelatical Party*, who separate from our public Worship, we hope it's enough to convince the revolution Party of the *Church of England*, that it is not their Interest to have them restor'd. If it be said, that Men of better Principles may be preferr'd to our Bishopricks. We answer, that besides what has been said already against restoring that Order on any account in our Nation, there are very few but known *Jacobites*, upon whom the doing so will lay any Obligation; for moderate Men of that Way make no scruple to comply with our present Establishment, there being nothing in it that frets their Conscience or makes them uneasie; whereas the contrary will unavoidably happen to the *Presbyterians*, by reimposing Bishops upon the Nation; and we have never ow'd so much to that Order of Men, as to hazard a Rebellion, and the ruine of our Peace and Trade for their sakes.

F I N I S.